

(2007) 12 P&H CK 0154

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-49075 of 2007

Ranjit Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Dec. 4, 2007

Acts Referred:

- Penal Code, 1860 (IPC) - Section 324, 326, 34

Hon'ble Judges: K.S. Garewal, J

Bench: Single Bench

Advocate: D.R. Singla, for the Appellant; K.D.S. Sidhu, D.A.G., Punjab, for the Respondent

Final Decision: Dismissed

Judgement

K.S. Garewal, J.

Heard learned Counsel for the parties.

2. The Petitioner seeks pre-arrest bail for the offences under Sections 326, 324 and 34 IPC registered against him on the complaint made by Jasbir Singh- complainant.

3. The Petitioner-Ranjit Singh was armed with 'dah" and as per the allegations in the FIR, he attacked the complainant Singh with 'dasti dah" which he inflicted on the left eye brow and on cheek. As per the Medical Report of the injured-Jasbir Singh a slightly oblique incised wound of 27 X 52 cms B.D. starting from the left side of forehead just above the lateral margin of the left eyebrow going downwards through the left side of the face and neck reaching upto the sternum was observed. Underlined Carotid Skeath, Trachea and other vital structures are exposed resulting in disfigurement of the face and neck. Fresh bleeding was present. The injury on the person of Jasbir Singh is indeed grievous in nature.

4. Learned Counsel for the Petitioner has submitted that in fact a Panchayati Compromise has been entered into and there is no grudge between the parties. Reference has been made to the compromise recorded on 18.09.2007 (Annexure P-

1). It may however be noticed that the injury that has been caused on the person of Jasbir Singh is grievous in nature. In case the compromise has been entered into, it is for the Police to arrest or not to arrest the accused. In M.C. Ahhararn and Anr. v. State of Maharashtra and Ors., 2003 (2) RCR(Crl) 452, it was observed by the Supreme Court the (Police is not always bound to arrest an accused even if the allegation against him is that of having committed a cognizable offence. Therefore, it is for the Police to arrest or not to arrest the accused. Keeping in view the seriousness of the grievous injury, no ground for grant of pre-arrest bail is made out to the Petitioner.)

5. Consequently, criminal miscellaneous petition is dismissed.