

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision : 19.02.2015

1) C.R.M-M No.40929 of 2014(O&M)

Prabhjit Singh Ratol

..... Petitioner

versus

State of Punjab

..... Respondent

2) C.R.M-M No.42747 of 2014(O&M)

Raman and others

..... Petitioners

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S. Rai, Sr. Advocate
with Mr. M.S. Nain, Advocate
for the petitioner (in CRM-M-40929-2014)

Mr. K.S. Sodhi, Advocate
for Mr. Gaurav Sharma, Advocate
for the petitioners (in CRM-M-42747-2014)

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. Sandeep Wadhawan, Advocate
for the complainant (in CRM-M-40929-2014)

Mr. L.M. Gulati, Advocate
for the complainant (in CRM-M-42747-2014)

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

These petitions have been filed for grant of regular bail to the petitioners in case FIR No.138 dated 10.05.2014. The said FIR has been registered against the petitioner in CRM-M-40929-2014 under Sections 307, 326, 324, 323, 427, 148, 149, 120-B, 341 IPC and the same FIR has been registered against the petitioners in CRM-M-42747-2014 under Sections 307, 326, 324, 323, 420, 427, 467, 471, 148, 149, 120-B, 341 IPC at Police Station Civil Lines, Amritsar. Both the petitions are decided by the common order since the issue involved is same. For the sake of convenience the facts are being taken from CRM-M-40929-2014.

The allegations were that the complainant had exposed the Cabinet Minister of Punjab and the petitioner and other persons who owed allegiance to that Cabinet Minister engineered/attacked the complainant and inflicted serious injuries upon him. It has further been alleged that on an earlier occasion one of the co-accused was granted bail and immediately thereafter another attack was made on the complainant where the complainant miraculously escaped with his life.

On the other hand, the learned senior counsel as well as the learned counsel for the petitioners have argued that the petitioners have now been in custody for over 8 months.

As regard the petitioner-Prabhjit Singh Ratol, it would be appropriate to reproduce some material orders. On 08.01.2015 the following order was passed:-

“One of the issues which has arisen in this case was whether the petitioner has been able to avoid custody by getting himself fraudulently admitted in hospital right from the day of his arrest. It is agreed that on this very allegation the complainant had moved an application to the Sessions Judge who had directed that the petitioner be produced before the PGI, Chandigarh for medical check-up.

Learned senior counsel for the petitioner has handed over a copy of the medical report received from the PGI, Chandigarh to the learned counsel for the complainant who seeks a short adjournment to go through the same and make submissions.

Adjourned to 15.01.2015.”

Thereafter on 15.01.2015 the following order was passed:-

“It is stated that the petitioner needs a heart stent but there are two problems. Firstly, the petitioner does not want to get it done from the PGI, Chandigarh and secondly the Jail Department has not sent funds to get it done despite several requests having been made.

Learned senior counsel for the petitioner prays that the petitioner may be allowed to get it done from the FORTIS hospital, Amritsar at his own cost.

Considering the fact that the petitioner is suffering from narrowing of the arteries, it is of the utmost importance that the medical procedure of stent is carried out. Since the Jail Department has not sent the funds, I direct that the petitioner be removed to the FORTIS hospital, Amritsar where he will in the first instance get his stent placed at his own cost subject to whatever reimbursement is permissible under the law.

Adjourned to 16.02.2015.”

It has been accepted by both sides that thereafter the petitioner-

Prabhjit Singh Ratol has got the stent procedure done while in custody. It was in these circumstances the learned senior counsel as well as the learned counsel for the petitioners have prayed for regular bail.

Learned counsel for the complainant have vehemently argued that this is a case where powerful political interests are trying to snuff out any challenge to their hegemony. They have further argued that in this case the prosecution would have led its entire evidence by now but because the police was also hand in glove with the petitioners the trial has not been allowed to progress since the petitioners are not being presented in Court.

Learned senior counsel as well as the learned counsel for the petitioners state that this situation can be easily remedied. The petitioners can be released on bail and a time cap can be fixed for trial and in case at any stage the trial Court comes to the conclusion that the petitioners are obstructing the trial in any manner the complainant-party can move an application for the cancellation of bail.

On the asking of the Court, the learned counsel for the complainant as well as the learned Additional Advocate General have stated that they would lead their entire evidence within 6 months subject to the accused persons not obstructing the same. Learned senior counsel as well as learned counsel for the petitioners also state that whatever defence evidence they want to lead they will also do it within 6 months thereafter.

Seeing the nature of the case it is expected that the trial Court shall try the same expeditiously in view of the statement made by learned counsel for the parties.

Keeping in view the entire factual matrix and the period of

incarceration already suffered by the petitioners, without going into the merits of the case, I deem it appropriate to release the petitioners on regular bail to the satisfaction of the trial Court with the aforesaid caveat.

Ordered accordingly.

Petitions stand disposed of in the above terms.

Since the main cases have been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

February 19, 2015

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**(AJAY TEWARI)
JUDGE**