

Sr. No.219

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

**CRM-M-24864 of 2020 (O&M)
DATE OF DECISION : 02.09.2020**

Alok Rai

...Petitioner

Versus

State of Punjab & Ors.

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.

Mr. Davender Kumar, Advocate
For respondents No.2 and 3.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 221 dated 17.10.2017, registered under Sections 307 and 323 IPC, Police Station Canal Colony, Bathinda.

2. Per FIR, the petitioner inflicted injuries to none else but his real sister on 15.10.2017. As per allegations, he caught his sister from her hair and banged her head on the wall. FIR was registered on the complaint of father Sh. Suresh Rai.

3. Learned counsel for the petitioner submits that FIR resulted out of an impulsive family altercation which ensued into domestic violence and there was no intention to commit any crime. Dispute between the petitioner and his sister has now been settled with the intervention of respectable. The

injured as well as her father/complainant have sworn affidavits dated 10.08.2020 to the effect of compromise. They have no objection if bail is granted to the petitioner. He further submits that after the registration of the FIR, the petitioner was not informed of any proposed further action. On 05.08.2020, all of sudden, the police arrested the petitioner. According to him, since the matter has been compromised, there are no chances of conviction of the petitioner and the trial will take a long time due to covid 19 pandemic where the Courts are working with restrictions and no useful purpose would be served by keeping him behind the bars.

3. On the other hand, learned State submits that the petitioner assaulted his own sister and deserves no concession.

4. Learned counsel for the complainant and injured admits that the parties, who are from same family, have compromised the matter.

5. The parties have compromised the matter seemingly to keep their family together and in the larger interest of maintaining harmony amongst themselves. In the premise, keeping the family spirit to live together amicably, I am of the opinion that no useful purpose would be served by keeping the petitioner behind the bars. On the other hand the outcome of trial, which in the present scenario of pandemic is not likely to commence or conclude any time soon is also uncertain in near future.

6. Taking wholesome view of the matter, but without commenting on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

7. Petition stands allowed accordingly.

(ARUN MONGA)
JUDGE

September 02, 2020
Jiten

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No