

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-27613 of 2020

Date of decision:15.9.2020

Mukesh Kumar

vs

State of Punjab

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Prateek Pandit, Advocate,
for the petitioner
Mr.Harsh Chopra, Advocate,
for the complainant

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AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

This is the second petition filed by the petitioner seeking the concession of pre-arrest bail, upon FIR no.119, dated 29.5.2019, having been registered at Police Station City Phagwara, District Kapurthala, alleging therein the commission of offences punishable under Sections 307/325/323/149 of the IPC.

Earlier the petitioner and his father had filed CRM-M-26993 of 2019, seeking the same concession, which was dismissed by this court vide an order passed on 27.8.2019, which reads as follows:-

**“CRM-25382-2019 in/and
CRM-M-26993-2019**

By this application (CRM-25382-2019), dismissal of the accompanying petition is sought by the complainant, who has, other than referring to the occurrence in question, also stated

that the family of her husband (including the petitioners herein, i.e. his brother and father respectively), never even undertook to bear the expenses of her treatment, further giving the details of the treatment which she has undergone, including an operation on her spine.

In paragraph no.11 of the application, it has also been stated that the father of the complainant had sent a written representation by way of registered post to the police authorities, wherein the inaction of the police, including the SHO and the Sub Inspector, was highlighted, but with no action taken even thereafter.

Looking at the fact that the complainant in the FIR itself has stated, that at the time that she was thrown off the roof by her mother-in-law and sister-in-law (as per her contention), even the present petitioners were involved in the conspiracy to eliminate her, further looking at the nature of the injuries she has sustained as have been detailed by way of photographs and medical reports etc., I see no reason to continue the interim protection granted to the petitioners.

Consequently, this petition is dismissed, with the interim order dated 18.06.2019 vacated. However, naturally all that has been observed hereinabove, would only be taken to be only in the context of this petition seeking anticipatory bail.

Naturally, on account of any inaction by the police, the complainant would be at liberty to approach the Senior

Superintendent of Police, Kapurthala, who would go into the matter after hearing the complainant/her father, personally, and shall then ensure that due investigation is carried out properly.”

Learned counsel for the petitioner submits that the petitioner being only the brother-in-law of the injured-complainant, his role would be different to any other persons who have committed the offence (though even that is not admitted by the petitioner) and therefore, the entire family having been roped in, the petitioner has filed this second petition.

He further submits that there are chances of a compromise between the parties.

However, even prior to any notice of motion having been issued in this petition, Mr. Harsh Chopra, Advocate, appears for the complainant, and denies any compromise having taken place and further wishes to draw attention to a medical certificate dated 2.7.2020, to submit that the complainant-victim has even undergone further surgery to the injuries sustained by her in the occurrence.

Having considered the above, without making any comment on the actual merits of the case, for the reasons already given in the order dated 27.8.2019, I see no reason to entertain this petition, which is consequently dismissed.

15.9.2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No