

102+204 CRM-5815 of 2021 in/and
CRM-M-4294 of 2020

Amandeep Singh @ Vipon v. State of Punjab

Present: Mr. Fariad Singh Virk, Advocate,
for the applicant-petitioner.

Mr. P.P.S. Duggal, Advocate,
for the complainant.

Mr. Sandeep Singh Deol, DAG, Punjab

Case heard via video conferencing.

CRM-5815 of 2021

By this application, the applicant-petitioner seeks placing on record the medical certificate as also latest medical record (colly.) (copies Annexures P-3 and P-4 respectively).

The said application is allowed, subject to all just exceptions.

CRM-M-4294 of 2020

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR no.242 having been registered against him at Police Station Anaj Mandi, District Patiala, on 31.12.2019, alleging therein the commission of offences punishable under Sections 376/506 of the IPC.

On 15.02.2021, the following order had been passed by this court, also reproducing therein the order passed on 13.08.2020:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 242 having been registered against him at Police Station Anaj Mandi, District Patiala, on 31.12.2019, alleging therein the commission of offences punishable under Sections 376/506 of the IPC.

On 13.08.2020, the following order had been passed:-

“The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

Learned counsel for the petitioner submits that the petitioner is aged 35 years and the prosecutrix was a consenting party. During the pendency of the present petition, the petitioner met with an accident wherein he suffered serious injuries and his co-passenger died. The petitioner is presently stated to be hospitalized in a critical condition. At one point of time, he had slipped into coma.

Learned counsel for the complainant states that she is not aware of the factum of accident.

Learned State counsel opposes the prayer made by the petitioner. However, he admits that the petitioner is still admitted in the hospital.

Heard.

Keeping in view the medical record on file, the petitioner is allowed interim bail for six months subject to payment of `25,000/- towards costs of litigation to the victim and on furnishing bail bonds with two local sureties in the like amount to the satisfaction of the trial Court/CJM/Duty Magistrate concerned. The date and time of surrender is to be noticed by the releasing Court.

Post again on 15.02.2021.

The trial Court shall make an endeavour to record the statements of the prosecutrix and other material witnesses in the meantime.”

Today, learned counsel for the petitioner has sent by way of a 'Whats app' communication to the Reader of this court (who in turn has forwarded it to me), an order passed by the learned Judicial Magistrate Ist Class, Patiala, on 29.01.2021, stating therein that the petitioner appeared before that court on that date at 02:30 p.m. and deposited costs of Rs. 25,000/-, in terms of the

aforesaid order of this court; and he was thereafter admitted to interim bail till 13.02.2021 upon furnishing bail bonds in the sum of Rs. 1,00,000/- and two local sureties in the like amount.

Learned counsel for the petitioner submits that actually the petitioner is still in a medically poor condition and had to be brought to the court on 29.01.2021 on an ambulance.

Adjourned to 03.03.2021.

In the meanwhile, the interim bail granted by the trial court would continue to enure in favour of the petitioner till the next date of hearing before this court, subject to counsel for the petitioner placing on record within 10 days, a medical certificate showing the petitioners' present condition.

Learned State counsel would also verify his condition, with a gazetted officer to file an affidavit with regard thereto.

In the meanwhile, the trial court is directed to release the amount of Rs. 25,000/- deposited by the petitioner, to the complainant, in terms of the order of this court dated 13.08.2020.

A copy of the application to be filed by the petitioner, annexing therewith his medical records, shall be given in advance to learned counsel for the complainant in addition to learned State counsel.”

Today (03.03.2021), an affidavit of the DSP, City-2, Patiala, has been sent by electronic communication to the Reader of this court by learned State counsel, with that having been forwarded to me (dated 02.03.2021), annexed with which is a medical examination report of the petitioner, Amandeep Singh, dated 26.02.2021, seen to be signed by a Board of Doctors consisting of two medical officers of the Civil Hospital, Nabha, with it also seen to be signed by the Assistant Civil Surgeon, Patiala and the Civil Surgeon, Patiala.

As per the said certificate, it was found that though the petitioner was conscious, he was not fully oriented to time, place and person and though

his vitals were stable, power in his upper and lower limbs was decreased and he was not able to walk independently and did not even recognize his parents, with him not able to eat solid food of his own, and with his bowel and bladder functions also uncontrollable, (he also having been catheterized).

It has next been stated that presently he was undergoing to physiotherapy on account of the aforesaid changes due to an old head injury (about 8 months old), and is on oral medications.

Obviously therefore, his medical condition is not good at all.

That being so, without making any comment on the actual merits of the case, the interim order passed by this court on 13.08.2020 admitting the petitioner to interim bail for a period of 6 months, upon him furnishing bail bonds and two local sureties to the satisfaction of the trial court/CJM/Duty Magistrate concerned, is made absolute on the same terms and conditions.

However, the trial court would expedite the trial at least as regards examination of prosecution witnesses; and thereafter, depending obviously on the medical condition of the petitioner, if he wishes to examine himself in defence, even with regard to the 'defence evidence', efforts would be made to ensure that it is concluded as early as possible.

March 03, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE