

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

**CRM-M-20559-2021
Date of decision: 25.05.2021**

Akashbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 100 dated 05.06.2019 under Sections 307, 323, 324, 452, 506, 148, 149 IPC, registered at Police Station Majitha, District Amritsar Rural.

Learned counsel for the petitioner, at the very outset, relies upon order dated 11.08.2020 passed in CRM-M-21939-2020, vide which co-accused Nishan Singh has been granted concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner submits that new ground for filing this 2nd petition is that the petitioner is in custody for the last 01 year, 01 month and 22 days and there are total 22 prosecution witnesses, however, no one is examined so far in view of COVID-19 situation. It is further submitted that as per allegations in the FIR, a sudden fight took place, in which the complainant sustained injuries and the petitioner is ready to compensate victim Kirpal Singh son of Sawinder Singh by handing over him a demand draft of Rs.50,000/- towards his medical expenses, without prejudice to his right of defence.

Learned State counsel has, however, submits that the injury, which was declared dangerous to life, sustained by Kirpal Singh, is attributed to the petitioner, as per report of Medical Officer, Badri Nath Hospital, Amritsar. It is further submitted that some of the co-accused have already been granted the concession of regular bail, as they were attributed injuries on non-vital parts and one of the co-accused has been granted the concession of anticipatory bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 01 year and has volunteered to pay Rs.50,000/- towards medical expenses to victim Kirpal Singh, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

This will, however, be subject to the condition that the petitioner will submit a demand draft of Rs.50,000/- favouring victim Kirpal Singh son of Sawinder Singh before the trial Court, which will be handed over to the victim, without prejudice to right of the complainant as well as right of defence of the petitioner.

Petition is disposed of.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner submits that petitioner was nominated on the disclosure statement of a co-accused and later on even victim Kirpal Singh, in his supplementary statement, has stated that petitioner has given an iron rod blow on the eyebrow of his daughter-in-law, namely Rajbir Kaur.

Learned counsel for the petitioner further submits that petitioner is ready to hand over a demand draft of Rs. 25,000/-, favouring

victim Rajbir Kaur, towards her medical expenses, without prejudice to right of the defence of the petitioner.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and does not dispute the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering the fact that main accused, namely Nishan Singh, has already been granted concession of regular bail by this Court as noticed above and also in view of the fact that petitioner has volunteered to pay a sum of Rs.25,000/- to victim Rajbir Kaur towards her medical expenses, this petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

It will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

This will, however, be subject to the condition that the petitioner will submit a demand draft of Rs.25,000/- favouring victim Rajbir Kaur before the trial Court, which will be handed over to the victim, without prejudice to right of the complainant as well as right of defence of the petitioner.

25.05.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No