

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

CRM-M-28745-2020

Date of Decision:06.01.2021

Sandeep @ Sandeep Kumar

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. G.S.Verma, Advocate,
for the petitioner

Mr. Sandeep Kumar, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

On November 10, 2020, the following order had been passed by this court with earlier the petitioner not having been admitted to anticipatory bail, despite the matter initially having come up for hearing on 15.10.2020 for effective hearing:-

“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.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 117 having been registered at Police Station Focal Point, Ludhiana, on 26.06.2020, alleging therein the commission of offences punishable under Sections 307, 452, 506, 294, 148 and 149 of the IPC.

Though pursuant to previous orders passed, an affidavit of the Assistant Commissioner of Police, Industrial Area-A, Ludhiana, is on record, there is still no affidavit of the Civil Surgeon, Ludhiana, though learned State counsel submits that he had in fact received a copy thereof on 06.11.2020 itself and had sent it by way of email to the Reader of this court.

As regards the contents of that affidavit he submits that in fact private hospitals are obliged to also write out medico legal reports upon any such case coming to them and as a matter of fact the concerned Medical Officer in the Deepak Hospital, Sarabha Nagar, Ludhiana, had sent an intimation on 20.06.2020, to the police.

As to the timeline between the date of occurrence, i.e. 16.06.2020 to 20.06.2020, learned State counsel submits that the complainant had initially gone to the Civil Hospital, Ludhiana, on 17.06.2020, after which he was shifted to the ESI Hospital on the same date, with a copy of the MLR having been received in the police station on 19.06.2020.

He further submits that a statement was thereafter made to the police by the complainant that he wishes to in fact settle the matter, the accused being from his own neighbourhood.

Adjourned to 04.12.2020.

The complainant in the FIR, i.e. Joginder Kushwaha, son of Radhe Kushwaha, resident of 'Gali no. 3, Mata Bhag Kaur Colony, Govindgarh' Ludhiana, is ordered to be impleaded as respondent no. 2, with notice to be issued to him returnable on the same date, i.e. 04.12.2020.

The Registry is directed to carry out necessary corrections in the memo of parties.

In view of the above contentions on behalf of the State, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and upon him joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court."

As per the reply filed by the ACP, Industrial Area-A, Ludhiana, dated 02.11.2020, in fact it was the petitioner who had attacked the complainant with an iron *daat*, "resulting in an incise wound on his forehead" which required eventually 24 stitches as recorded in the previous order.

Today also the complainant has not appeared to either refute or affirm the factum of any compromise reached between the parties.

However, though learned counsel for the petitioner submits that in fact there were 10-12 persons involved in the occurrence therefore the petitioner cannot be singled out for the injury caused on the complainant,

a perusal of the FIR shows that the other persons (not named) who are alleged to have attacked the complainant, had done so with sticks in their hands, with the injury on the forehead of the complainant allegedly being an “incised wound” and the allegation against the petitioner in the FIR itself being that he had attacked the complainant with an iron *daat*. Hence, I see no reason to entertain this petition any further, which is consequently dismissed, with however, no comment made on the actual merits of the case by this court.

The interim order stands vacated.

January 06, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO