

- 208/2) CRM-M-35312 of 2020 (O&M)
Vijay Kumar @ Bunty v. State of Punjab
2) CRM-M-34915 of 2020
Bimla and another v. State of Punjab and another

Present:- Mr. Arnav Kumar Sood, Advocate,
for the petitioner in both the petitions.
Mr. Sidakmeet Singh Sandhu, AAG, Punjab
Mr. Sandeep Dhul, Advocate, for the complainant.

Case heard by way of video conferencing.

CRM-M-35312 of 2020

By this petition, filed under the provisions of Section 439 of the Cr.P.C, the petitioner seeks the concession of 'regular bail', upon FIR no.75, dated 19.05.2020, having been registered at Police Station Satnampura, Phagwara, District Kapurthala, alleging therein the commission of offences punishable under the provisions of Sections 315, 316 and 34 of the IPC.

On 15.01.2021, the following order had been passed:-

“Case heard by video conference.

Pursuant to the order of this court dated 09.11.2020, a report of the JMIC (Duty), Phagwara, dated 08.12.2020, has been received, stating therein that a copy of the challan had been supplied to the petitioner under the provisions of Section 207 of the Cr.P.C. and that non-bailable warrants for producing his co-accused, Bimla, had also been issued, with the accused (petitioner herein) not having been produced in court or through video conference by the investigating agency, though he was in judicial custody.

Learned counsel for the petitioner submits that in fact the matter has not been even committed to the Court of Sessions as yet by the learned Magistrate.

It is of course to be noticed that in the said report it is also stated that the Magistrate concerned was in 'home quarantine' during this pandemic.

Learned counsel for the petitioner points to the fact that the matter has in fact been compromised between the petitioner and his wife (complainant in the FIR), by way of her affidavit (copy Annexure P-3), with a “Panchayati compromise” also having been entered into on

07.10.2020 (copy Annexure P4).

He also submits that a petition seeking quashing of the FIR on the basis of such compromise has been filed, bearing CRM-M-34915-2020, with the next date of hearing in that petition being 25.02.2021 and with the parties to appear before the trial court to record their statements in respect of their compromise on 21.01.2021.

It is seen that an order was passed in that petition on 21.12.2020, directing the statements of the parties to be recorded in terms of the compromise though it had also been observed that counsel for the parties would still be required to address arguments as regards the maintainability of such petition, where the allegation is that of the death of an unborn child.

Having considered the present matter, though obviously as regards the quashing of the FIR itself that argument will have to be addressed, however, in view of the compromise stated to have been reached between the parties, the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned, till the next date of hearing before this court.

Adjourned to 25.02.2021.

To be heard alongwith CRM-M-34915-2020.”

Learned State counsel, as also counsel for the petitioner, are *ad idem* that the case is still to be committed to the Court of Sessions.

Looking at the affidavit of the respondent (complainant in the FIR) (copy Annexure P-3) and the compromise stated to have been arrived at between her and the petitioners (in both the petitions), without making any comment on the actual merits of the case, with learned counsel appearing for the complainant also not objecting to the same in view the compromise arrived at between the parties, the present petition is allowed, with the order dated 15.01.2021 granting interim bail to the petitioner, made absolute on the terms and conditions.

CRM-M-34915 of 2020

Though petitioner no.2 in this petition has been admitted to interim bail by this court earlier, with that order made absolute today in view of the compromise reached between the parties, with petitioner no.1 already on bail on her filing a different petition, as regards the quashing of the FIR, with the allegation being that a 6 months old foetus was aborted due to the alleged kick blows given by the petitioners, learned counsel for the petitioner would point to the medical evidence to show that it was not on account of any such kick blows (as he is contending).

Adjourned to 07.04.2021.

01.03.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE