

CRM-M No.37629-2020
CRM-M No.8145-2021
CRM-M No.8287-2021

1

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

CRM-M No.37629-2020

Date of Decision: March 31, 2021

Raj Kumar @ Raju Savri

.....Petitioner

Vs

State of Punjab and others

.....Respondent

CRM-M No.8145-2021

Sandeep Kumar

.....Petitioner

Vs

State of Punjab

.....Respondent

CRM-M No.8287-2021

Jagdish Kumar

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G. S. Madaan, Advocate
for the petitioner in CRM-M-37629-2020

Mr. Vaibhav Mittal, Advocate
for the petitioner in CRM-M-8145 and 8287-2021

Mr. Amar Ashok Pathak, Addl. Advocate
General, Punjab.

Ms. Harmeet Kaur, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Vide this common order CRM-M-37629-2020 petition under Section 438 Cr.P.C for anticipatory bail, CRM-M-8145-2020 and CRM-M-8287-2021 under Section 439 Cr.P.C for regular bail are being disposed of.

Since all the aforesaid petitions have arisen from one FIR i.e. FIR No.166 dated 13.10.2020 registered under Sections 304, 34 IPC at Police Station Mehta, Amritsar (Rural), therefore the common facts are being noticed.

FIR in question was registered at the instance of Paramjit Kaur w/o Dalbir Singh. Initially Dalbir Singh filed Cr.W.P. No. 5504 of 2020 alleging that Baljeet Kaur was administered poison by the accused in order to kill her. Dalbir Singh sought protection from this Court in respect of his life and liberty. The said petition was disposed of on 4.8.2020 with a direction to the Commissioner of Police, District Amritsar to consider the prayer of Dalbir Singh qua protection of his life and liberty in accordance with law. Thereafter, Dalbir Singh again filed Cr.Writ Petition No. 6374 of 2020 along with his wife Paramjeet Kaur by concealing the factum of filing of earlier

Cr.W.P.No.5504-2020. This petition was also disposed of by this Court vide order dated 26.8.2020 by giving direction to the respondents therein to look into the representations dated 26.7.2020 and 27.7.2020 in accordance with law. COCP No. 2099 of 2020 was filed by Dalbir Singh and his wife Paramjeet Kaur in respect of inaction by the officials in not complying with the directions of this Court. During the pendency of the contempt petition, learned Additional Advocate General, Punjab made a statement that FIR No. 166 dated 13.10.2020 has been registered against the accused persons. The contempt petition was rendered infructuous on 14.10.2020.

The allegations are that the deceased Baljeet Kaur was pregnant but her in-laws instead of getting her medically treated from a competent doctor, took her to the place of Raj Kumar @ Raju Savri for getting her spiritually treated. The deceased was kept lying on the floor about 7-8 hours and due to the aforesaid delay in providing medical treatment the condition of Baljeet Kaur deteriorated and ultimately she died on 1.9.2020 in the hospital.

Raj Kumar @ Raju Savri has denied this fact and has filed the present petition claiming that the petitioner is neither a tantrik nor has participated in providing any spiritual/tantrik medication to the deceased, rather he is a social worker and has

provided help to the needy persons during the outbreak of the covid-19 pandemic.

In compliance of order dated 21.1.2021 passed in CRM-M-37629-2020 the State has filed status report by way of affidavit of Jagir Singh, ASI and it has been admitted that the deceased was taken to the dera of petitioner-Raj Kumar @ Raju Savri and she was kept there for about 7-8 hours.

In view of the reply, the assertion made by learned State counsel that the deceased was kept at the dera for about 7-8 days stands diluted/explained.

Learned counsel for the petitioner(s) have submitted that the parties have amicably resolved their differences by way of entering into a settlement.

Ms. Harmeet Kaur, learned counsel appearing for the complainant admits the factum of compromise.

Learned State counsel on instructions, however opposed the bail on the ground that the deceased Baljeet Kaur died on account of non-providing of timely medical aid to her during her pregnancy.

Having considered the submissions made at the bar, I think that even if the factum of compromise is ignored at this stage (though the parties have asserted the same to be correct)

At this stage, without forming any opinion on the merits of the

case CRM-M-37629-2020 is disposed of by directing the petitioner to appear before the Investigating officer on 7.4.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

CRM-M-8145-2021 and 8287-2021 are allowed.

The petitioner(s) therein are directed to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/concerned Duty Magistrate.

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CRM-M No.8145-2021
CRM-M No.8287-2021

Petitions stand disposed of.

March 31, 2021
archana

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No