

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43814-2020 (O&M)
Date of decision: 12.03.2021

Kuldeep Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. U.S. Mann, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Nakul Sharma, Advocate
for respondent No.2-complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.0071 dated 16.08.2019 under Sections 341, 452, 323, 324, 148, 149, 427 IPC and Sections 307, 201 IPC (added later on), registered at Police Station Lakho Ke Behram, District Ferozepur; earlier one was dismissed on 11.09.2020.

As per allegations in the FIR, the petitioner along with other accused persons attacked victim Gurwinder Singh. The petitioner, who was armed with a kirch, hit the victim on left side of his chest near the nipple and this injury was declared grievous. The victim is stated to be hospitalized for a

period of 45 days.

Learned counsel for the petitioner submits that new ground for filing this petition is that investigation is complete and the petitioner is continuing in long custody since 27.01.2020.

At the very outset, learned counsel for the petitioner submits that considering the nature of injuries sustained by the victim, without prejudice to his right of defence or right of the prosecution to lead evidence, the petitioner will hand over a demand draft of Rs.8.00 lacs to the Illaqa Magistrate at the time of furnishing bail/surety bonds, to be paid to the victim towards his medical expenses.

Learned State counsel, assisted by learned counsel for respondent No.2-complainant, submits that the aforesaid amount may not be termed as a compromise, as the complainant has incurred more than Rs.25.00 lacs on his medical expenses and he is still required to undergo further surgery of vocal cord.

Learned State counsel has filed the status report by way of affidavit of DSP, Sub Division Guruharsahai, District Ferozepur, wherein it is stated that the injury sustained by the victim was found to be dangerous to life and later on, Sections 307 & 201 IPC were added, however, it is not disputed that challan has already been presented and the evidence is yet to start.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner has volunteered to pay Rs.8.00 lacs towards the medical expenses of the victim,

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without prejudice to his right of defence or right of the prosecution to lead evidence, 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/Illaqa Magistrate/Duty Magistrate, concerned.

The petitioner, while furnishing bail/surety bonds, will submit a demand draft of Rs.8.00 lacs favouring the victim namely Gurwinder Singh son of Gurbachan Singh before the Illaqa Magistrate, which will be further handed over to the victim.

Petition stands disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

12.03.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No