

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41416 of 2019
Date of decision:- 31.08.2021

Sukhdev Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Puja Chopra, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. F.S.Virk, Advocate, for the complainant.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Through the instant petition, the petitioner seeks anticipatory bail in case FIR No.114 dated 30.06.2019 registered under Sections 323 and 324 of Indian Penal Code, 1860 (Section 326 of IPC was added later on) at Police Station Passiana, District Patiala.

On 03.10.2019, this Court passed the following order:-

“Pursuant to the notice of motion having been issued, learned State counsel, as also Mr. G.S. Nagra, Advocate, for the complainant appear.

Mr. Nagra, learned counsel for the complainant, submits that undoubtedly the petitioner was the one who took the complainant to the hospital, with one Jeet Singh, but there he (petitioner) also tried to get the complainant discharged at the earliest, he having taken

him to the hospital only on account of the fact that he was scared of the consequences of what he had done.

Without making any comment on the actual merits of the case, for or against the petitioner, though actually I am not inclined to grant him the concession of anticipatory bail, however, with the parties being immediate relatives to each other, therefore, upon query to Mr. Nagra as to whether the matter can be settled, he submits that an attempt may be made if the court is of that opinion.

Consequently, till the next date of hearing, upon the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate. He shall abide by 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 Illaq Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

In the meanwhile, the complainant, as also the petitioner, would appear before the learned Mediator, in the Mediation and Conciliation Centre of this Court, on 16.10.2019.

For the report of the learned Mediator to be put up, adjourned to 21.11.2019.”

Counsel for the petitioner has contended that the alleged incident took place on 28.06.2019 at 6.00 a.m. and even though the complainant was conscious, as is clear from perusal of the MLR, the FIR was lodged after two days. Counsel contends that injury attributed to the petitioner is on a non-vital part of the body. She submits that vide order dated 03.10.2019, this Court granted the interim protection to the petitioner, which order is continuing, to explore the possibility of a compromise and

the matter was referred to the Mediation and Conciliation Centre of this Court but no settlement could be reached since the parties, who are related to each other, were involved in civil litigation. Still further, she submits that in pursuance to the interim order passed by this Court, the petitioner has joined the investigation and has throughout cooperated with the investigating agency.

Upon instructions from ASI Darshan Singh, State counsel has affirmed this fact and submits that the petitioner is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 03.10.2019 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

August 31, 2021
Kamal

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>