

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16740-2021
Date of Decision: 17.02.2022

SAHIBDEEP SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Neeraj Chandel, Advocate and
Mr. R.S. Randhawa, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Vikram Preet Arora, Advocate for the complainant.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

* * *

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No.
31 dated 10.03.2021 under Sections 354, 323, 341, 427, 506 and 34 IPC,
registered at Police Station Dugri, District Police Commissionerate,
Ludhiana.

On 20.04.2021, the following order was passed:

“Case taken up through video conferencing.

*Learned counsel for the petitioner contends that
the FIR is outcome of a sudden quarrel between the
petitioner and the complainant, who are neighbours and
only simple injuries are alleged to have been caused. The
wife of the petitioner had also suffered injuries. He has
referred to the copy of the MLR. He further contends that
as the parties are next door neighbours, the matter can
be amicably resolved through mediation.*

Issue notice to the respondent.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab accepts notice on behalf of the respondent-State.

Mr. Vikrampreet Arora, Advocate has put in appearance on behalf of the complainant and states that the complainant is also willing to settle the matter.

With the consent of the counsel for the petitioner and the complainant, Mr. Atul Lakhanpal, Senior Advocate is requested to mediate in the matter.

List on 21.05.2021.

The parties shall appear before the Mediator on 25.04.2021 at 11.00 am. It shall be upto the Mediator to conduct the proceedings either through video or physically.

The arrest of the petitioner shall remain stayed till the next date of hearing.”

On 09.09.2021 the following order was passed:

“Heard.

Let the petitioner join the investigation within a period of one week and would return all the dowry/gift articles. On doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

Adjourned to 16.02.2022”.

However, on 23.09.2021, it was clarified that the case has not been registered under Sections, 406, 498-A IPC and consequently the order was modified to the extent that the petitioner will join the investigation within a week.

Learned counsel for the petitioner contends that the mediation was unsuccessful in the instant case, it is a case of simple injury, however, the petitioner has joined the investigation in pursuance to the interim directions issued by this Court and his custodial interrogation is not required.

counsel has not disputed the factual aspect and has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

As such sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. In these circumstances, the interim bail granted to the petitioner is made absolute. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands allowed.

17.02.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No