

CRM-M-19614-2021

Date of Decision: 04.03.2022

Bhupinder Singh alias Manu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Manuj Nagrath, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

Mr. P.S. Sekhon, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 161, having been registered at Police Station Division No. 2, Police Commissionerate Ludhiana, on 23.06.2020, alleging therein the commission of offences punishable under the provisions of Sections 307/324/323/341/427/506/148/149 of the IPC.

On 20.09.2021, the following order had been passed by this court:-

“Case heard via video conference.

Learned counsel appearing for the petitioner, Bhupinder Singh, submits that the matter has actually been compromised by all parties though the statements of the complainant and injured could not be recorded in respect of any such compromise.

Adjourned to 09.12.2021.

It is also to be noticed that the case file of CRM-M-19295-2021 has also put up before this court, which has been rendered infructuous as the custodial interrogation of the petitioner in that petition was not required, as recorded in an order dated 10.08.2021.

The petitioner in this petition, as also the complainant in the FIR and all injured, would appear before the learned trial court/Area Magistrate concerned, upto 23.11.2021, to record their statements in respect of any such compromise reached between them, with there also stated to be a cross-case registered; and with Mr.Sekhon also appearing for the complainant in the FIR today and otherwise not denying the factum of the compromise reached.

It is however to be noticed by this court that one of the offences alleged to have been committed is punishable under Section 307 of the IPC, but if the parties have agreed to compromise the matter with each other with even a cross-case registered, as regards admitting them to bail, possibly this court may not find any reason to not admit them to such bail absolutely, provided of course that the statements of the complainant and other victims in the occurrence (as recorded in the FIR), as also of the complainant and the victims as recorded in the cross-version thereto, are all recorded before the learned Area Magistrate, who would obviously properly establish the identities of all such persons.

If any of the accused in either of the versions is in custody, he/she would also be brought before the learned Area Magistrate/trial court by following proper procedure, so as to enable him/her to

record any statement in respect of any compromise reached between the parties.

Naturally, the learned Area Magistrate would send her/his report to this court, also giving therein her/his assessment as to whether the compromise arrived at is of the free will of the parties or otherwise; and also as to whether any other person is found to be involved in either version of the occurrence, whose consent would be required even for the purpose of admitting the accused (in either case), to bail absolutely.”

Thereafter, on 21.02.2022, the following order had been passed:-

“Case heard via video conferencing.

The petitioner having been ordered to be admitted to interim bail with the complainant in the FIR directed to appear before the trial court to record his statement in terms of any compromise reached, as per the report of the learned Additional Session Judge, Ludhiana, dated 06.12.2021, in fact neither the petitioner nor the complainant or any of the other injured appeared before that court to make any such statement.

Learned counsel for the petitioner however submits that the petitioner would be entitled to continue to remain on bail even on the merits of the case.

Learned counsel for the complainant not being present today, adjourned to 04.03.2022.

To be shown in the urgent motion list, for arguments on merits, the pre-condition on which the petitioner was admitted to bail not

having been fulfilled.

*Interim order to continue till that
date only and specifically.”*

Today, learned counsel for the complainant appears and submits that his last instructions from the complainant were to the effect that the matter has been compromised between the parties but whether or not the compromise has given effect to in practical terms he is not aware of because the complainant is not responding to his phone calls.

Learned State counsel submits that as per his instructions from SI Sukhwinder Singh, the petitioner has joined investigation and with a 'Kirpan' also having been recovered from him, his custodial interrogation is not required, at this state.

That being so, without making any comment on the actual merits of the case, the petition is allowed and the order dated 10.08.2021, admitting the petitioner to interim bail, made absolute, on the same terms and conditions.

March 04, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.