

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48162-2021

Date of decision : 17.10.2022

Harpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.B.K. Saini, Advocate for
Mr.Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr.Iqbal S.Mann, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.204 dated 24.12.2020 registered under Sections 323, 324 IPC (Section 326 IPC added later on) at Police Station City Bhikhiwind, District Tarn Taran.

On 28.02.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.204, dated 24.12.2020, having been registered at Police Station City Bhikhiwind, District Tarn Taran, alleging therein the commission of an offence punishable under Sections 323 and 324 of the IPC (Section 326 of th IPC added later on).

On 17.02.2022 the following order had been passed by this Court:-

“Pursuant to the orders dated 25.11.2021 and 10.01.2022, an affidavit has been filed today of the DSP, Valtoha, dated 16.02.2022, which is ordered to be taken on record.

Adjourned to 28.02.2022 for arguments.

It is to be noticed however that the medico-legal report (annexed alongwith the aforesaid affidavit of the DSP) is unreadable, it being again hand-written despite directions having been issued by this court from time to time that all MLRs would be duly typed/computer generated.

Consequently, an affidavit be filed by the Civil Surgeon, Tarn Taran, as to why the said MLR is hand-written and as to why it was never uploaded on the MEDLEPR software thereafter, which would actually mean that the medical officer concerned is in contempt of the orders issued by this court from time to time.

Since there is no interim order operating in favour of the petitioner, to be shown in the urgent motion list.”

Today learned State counsel submits that as per his instructions from Dr. Prabhleen Kaur, Medical Officer, Civil Hospital, Tarn Taran, the Civil Surgeon is to retire today and consequently with the order of this court having been received only yesterday, the affidavit could not be filed.

Adjourned to 24.03.2022.

The Medical Officer who had written the MLR dated 24.12.2020 (Dr. Prabhleen Kaur) shall be present in court along with the Civil Surgeon/Acting Civil Surgeon, as the case may be, by way of video conferencing on the next date of hearing.

In the meanwhile, without making any comment whatsoever on the actual merits of the case, the petitioner would join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all 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 Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

(AMOL RATTAN SINGH)
JUDGE

28.02.2022”

pass the following order:-

- “1. Reply filed to the petition, on behalf of the State, is taken on record.*
- 2. List on 4.8.2022.*
- 3. Interim order to continue only upto the subsequent date, and, only subject to all the relevant recoveries, being ensured to be effected by the petitioner, to the investigating officer concerned.*

(SURESHWAR THAKUR)
JUDGE

May 19, 2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 28.02.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation and the fact that the petitioner has complied with the order dated 19.05.2022, the present petition is allowed and the interim order dated 28.02.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

October 17, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No