

203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54651-2021
Date of Decision: 14.02.2022

Satnam Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through Video Conferencing)

JASJIT SINGH BEDI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.212 dated 13.10.2021, under Sections 452, 323, 324 of the IPC, 1860 (Section 326 of the IPC added later on) registered at Police Station Chattiwind, District Amritsar Rural (Annexure P-1).

The learned counsel for the petitioner very fairly concedes that the respondent No.2-Paramjit Kaur W/o Ajaib Singh has not appeared before the Illaqa Magistrate to make a statement regarding the compromise, if any.

On 17.01.2022, a Coordinate Bench of this Court has passed 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. 212, dated 13.10.2021,

having been registered at Police Station Chattiwind, District Amritsar Rural, alleging therein the commission of offences punishable under the provisions of Sections 452, 323,, 324 of the IPC (with Section 326 IPC added subsequently).

It is seen from the FIR that it is the petitioner himself who has been attributed three injuries with a sharp edged weapon (datar) on the hand, chest and thigh of the complainant, who is stated to be his mother-inlaw. Thereafter he is also alleged to have given two datar blows with the reverse side of the weapon on the waist of the complainant.

In view of the above, I would not at all be inclined to admit the petitioner to anticipatory bail but learned counsel for the petitioner submits that the matter has in fact been compromised between the parties, it having arisen from a matrimonial dispute, and that in fact a petition seeking quashing of the FIR itself on the basis of such compromise is in the process of being filed.

Without making any comment on the aforesaid contention, notice of motion is issued.

Mr. Rana Harjasdeep Singh, learned DAG, Punjab accepts notice on the asking of the Court. The complainant in the FIR, Paramjit Kaur, is ordered to impleaded as respondent no.2 in the petition.

The Registry would carry out the necessary corrections in the memo of parties after taking her particulars from the copy of the FIR, Annexure P-1.

Upon the complainant appearing before the learned Illaqa Magistrate upto 24.1.2022, if she records a statement before that court to the effect that the matter has indeed been compromised between her and the petitioner and that she has therefore no objection to that the petitioner being admitted to bail, the Illaqa Magistrate

would then summon the arresting officer and direct him to join the petitioner in investigation; and if he is sought to be arrested, he would be admitted to bail to the satisfaction of the Investigating Officer/Illaq Magistrate.

If on the other hand, the complainant, i.e. respondent No. 2, does not appear before the Illaq Magistrate to make that statement, this order would deem to have not been passed and the petitioner shall not be admitted to interim bail.

A report be sent to this Court by the Area Magistrate concerned before the next date of hearing, as to whether the complainant made any statement before that Court.

In the meanwhile, upto 24.1.2022 only and specifically, the petitioner be not arrested, in the aforesaid circumstances.

It is, however, made clear that if the complainant does not make such statement before the Illaq Magistrate upto 24.1.2022, the interim order directing that the petitioner be not arrested, shall stand immediately vacated on that date itself at 5.00 p.m.

Adjourned to 31.1.2022.”

Admittedly, respondent No.2 has not given any statement with regard to the compromise.

A perusal of the FIR would reveal that the petitioner, who is the son-in-law of respondent No.2, has caused 'Dattar' blows to respondent No.2. As per the MLR, there are five injuries on her and injury No.1 on right hand of the complainant-injured has been declared as grievous in nature. The motive of the occurrence is that the daughter of the complainant was married to the petitioner and a divorce case between them is pending before a competent Court. The petitioner used to harass his wife Manju at parental

village.

Since the very basis on which the interim protection granted to the petitioner has been flouted with, the petitioner is no longer entitled to the concession of the interim protection.

In view of the above, the present petition is hereby dismissed.

14.02.2022

JITESH

(JASJIT SINGH BEDI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No