

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107+214

CRM-17645-2023 &
CRM-27361-2023 in/&
CRM-M-14359-2023
Date of Decision: 06.07.2023

Satnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

VIKAS SURI, J. (Oral)

CRM-17645-2023

The present application for preponement of the main case has
become infructuous. Disposed of as such.

CRM-27361-2023

This is an application under Section 482 Cr.P.C. for placing on
record Annexures P-3 and P-4 and for exemption from filing certified as
well as typed copies of the same.

Notice of the application to the learned counsel opposite.

Mr. Digvijay Nagpal, AAG, Punjab, accepts notice on behalf of
the State of Punjab and raises no objection to the said documents being
brought on record.

In view of the above and the reasons given in the application,

the same is allowed. Annexures P-3 and P-4 are taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-14359-2023

Petitioner, who is 70 years of age, seeks regular bail in case FIR No.73 dated 29.03.2021 under Sections 419, 420, 465, 467, 468, 471 & 120-B IPC, registered at Police Station Civil Lines, District Amritsar (Annexure P-1).

Custody certificate dated 05.07.2023, checked by Surinder Singh, Jail Superintendent, has been filed by the learned State counsel in Court, which is taken on record. A copy thereof furnished to the learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner is a senior citizen and has been incarcerated since 17.09.2022. He is not keeping good health and is suffering from acute jaundice and typhoid. At present, due to his ill health, he has been admitted to hospital by jail authorities. There is no person from the family to attend to him in this condition and his medical care is dependent only on male nurse(s) engaged in the hospital.

Learned State counsel, on instructions from ASI Virsa Singh, P.S. Civil Lines, District Amritsar, has verified that the petitioner was admitted to the hospital on 04.07.2023 and has not been discharged therefrom as yet and is still undergoing medical treatment. It is further submitted that no recovery is to be effected from the present petitioner in

this case as investigation has since been completed, final report under Section 173 Cr.P.C. stands filed and charges have been framed on 10.05.2023.

Learned counsel for the petitioner submits that co-accused Joga Singh has already been granted the concession of regular bail by this Court in CRM-M-52845-2022. It is further pointed out while referring to the plaint (Annexure P-3) that son of the petitioner, who was beneficiary of the sale-deed, execution of which has resulted in registration of the current FIR, has instituted civil proceedings for declaration that the sale-deed be cancelled and the land in question be declared to be the ownership of the complainants. The complainants have also put in appearance in the said civil suit and filed their written statement. Learned counsel for the petitioner also points out to the averments made in the application (CRM-27361-2023) for placing on record the photocopies of the civil suit and *zimni* order dated 10.03.2023 (Annexures P-3 and P-4 respectively) that the land in dispute was agreed to be sold by petitioner by the original owner and there is even an agreement to sell in that regard. However, in order to show their *bona fide* and remove any cloud on the title of the complainants, son of the petitioner (vendee) has filed the suit for declaration to declare the complainants Sukhdarshan Kaur and Lakhbir Kaur as owners of the land in dispute by setting aside the sale-deed dated 29.11.2019, whereby the land has been alleged to have been sold by the petitioner to his son.

Learned counsel for the petitioner, on instructions, submits that the petitioner shall standby with the said undertaking and has no objection to

the suit being decreed as prayed for in favour of the complainants. He has also argued that the petitioner being a senior citizen, who is not keeping good health and on that count, his platelet count has fallen to an alarming low level and thus, he had to be transfused unit of blood to prevent internal bleeding. He prays that the petitioner be granted the concession of regular bail.

In light of the above and other circumstances peculiar to this case, learned counsel for the State does not oppose the present application, especially keeping in view the fact that the investigation has since been completed, challan under Section 173 Cr.P.C. has been presented, petitioner has been charge-sheeted and also on account of his severe illness that necessitated hospitalization for treatment.

Having heard the learned counsel for the parties and keeping in view the facts noticed above and that the petitioner, who is 70 years of age, is in custody since 17.09.2022; that he is suffering from acute jaundice and typhoid and has been admitted to the hospital by the jail authorities; and that investigation stands completed, final report under Section 173 Cr.P.C. filed and charges have also been framed on 10.05.2023, no useful purpose would be served by keeping the petitioner behind bars as the trial is still at the initial stage and the same is not likely to be concluded in the near future. Therefore, the present petition deserves to be allowed.

In light of the reasons recorded above, the present petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty

Magistrate, concerned.

Any observation made herein-above shall have no bearing on
the merits of the case during the trial, in any manner.

July 06, 2023

Harish

(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No