

Crl. Misc. No.M-19841 of 2015

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No.M-19841 of 2015

Date of decision:15.06.2015

Gurwinder Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. B.S.Jatana, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has prayed for grant of pre-arrest bail in a case FIR No.16 dated 25.02.2015, registered under Sections 458, 354, 506, 294, 34 of the IPC at Police Station Bakshiwalla, District Patiala.

The FIR was got registered by Sewa Singh @ Mewa Singh S/o Jeet Singh who has averred that he is a Tempo Driver and was got married to Charanjit Kaur D/o Ram Das in the year 2010. The petitioner used to harass his wife before marriage and from the last few months, he has been harassing her on telephone by using abusive language, due to which his wife made a complaint to the SSP, Patiala, however, the matter was compromised. On 24.02.2015, the petitioner called the complainant on his mobile, abused him and threatened to eliminate him. Thereafter, at about 11.00 p.m., his mother heard some abusive language outside her house and opened the door. At that time, 4 accused persons entered into their house, out of which petitioner was one of them, armed with a sword and others

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were Balwinder Singh @ Laddi son of Darshan Singh, R/o village Majji, armed with stick, Chamkaur Singh S/o Jagroop Singh, R/o village Majji, armed with stick and Ram Singh S/o Gejja Singh, R/o Balial Road, Bhwanigarh, also armed with stick. The petitioner is alleged to have entered his house and caught hold of his wife by her arm with an intention to outrage her modesty and when the complainant tried to save her, the petitioner gave a sword blow which he escaped but the other accused gave him beatings with their bare hands. When there was a hue and cry raised by the complainant party, the accused ran away with their respective weapons in their Maruti car bearing registration No.PB-G-3M-5392, parked in the street.

Counsel for the petitioner has submitted that the complainant has cooked up a story of the alleged incident dated 24.02.2015 alleged to have occurred at about 11.00 p.m., whereas on 25.02.2015, the petitioner was medico-legally examined at about 2.30 a.m. (wee hours of the morning) because his both eye-lids were swollen as he had made a complaint that red chilly powder was thrown in his eyes. It is submitted by counsel for the petitioner that an application was also made to the SSP, Patiala, which is also attached as Annexure P-4, in regard to the injuries inflicted by Sewa Singh @ Mewa Singh and Jeet Singh, however, it is undated. It is also submitted that the other co-accused, who are alleged to have been armed with the stick, has already been granted interim bail by this Court.

After hearing learned counsel for the petitioner and examining the available record, I am of the considered opinion that the case of the petitioner is not at par with co-accused Ram Singh and others because the

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petitioner was armed with a sword/kirpan and had taken the lead in the alleged offence as the allegation against him is that he has been harassing wife of the complainant before her marriage and even after marriage, forcibly entered their house at about 11.00 p.m. (night), tried to outrage her modesty and raised the sword to threaten them with dire consequences. The petitioner did not disclose as to how he suffered the injury for which he was admitted in the hospital on 25.02.2015 at 2.30 a.m. as no FIR or a private complaint was registered at the instance of the petitioner against the complainant nor there is a date on the representation made to the SSP, Patiala (Annexure P-4) from which it could have been gathered that the complaint was made immediately after the alleged incident dated 25.02.2015, rather, during the course of hearing, learned counsel for the petitioner has shown his ignorance about the date of representation of the alleged occurrence which led to the medicolegal examination of the petitioner on 25.02.2015 and only stated that the representation (Annexure P-4) was made to the SSP, Patiala somewhere in the month of March, 2015, which is too vague to be believed.

Thus, keeping in view the aforesaid facts and circumstances, the petitioner does not deserve the concession of anticipatory bail as his custodial interrogation is required for the purpose of recovery of the alleged weapon of offence.

Consequently, the present petition is hereby dismissed.

June 15, 2015
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(Rakesh Kumar Jain)
Judge