

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

***CRM No.M-10329 of 2016 (O&M)
Date of Decision: 06.05.2016***

Bharawan Bai and others

... Petitioners

Versus

State of Punjab

... Respondent

***2. CRM No.M-10671 of 2016 (O&M)
Date of Decision: 06.05.2016***

Ved Parkash and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ramesh Sharma, Advocate for the petitioner(s).

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

Mr. Ashok Khunger, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-10329 of 2016 titled as Bharawan Bai and others Vs. State of Punjab and CRM No.M-10671 of 2016 titled as Ved Parkash and another Vs. State of Punjab as both these petitions have been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner(s) therein in case FIR No.10 dated 25.02.2016, under Sections 323/452/148/149 IPC, registered at Police Station Khuian Sarwar, District Fazilka.

Counsel for the parties have been heard.

Briefly noticed, FIR came to be registered at the instance of Hari Chand. Allegations have been levelled pertaining to alleged occurrence that took place on 21.02.2016. Accused are none other than the son, daughter-in-law and ex-wife of the complainant.

On 22.03.2016, while issuing notice of motion, the following order was passed by this Court in CRM No.M-10329 of 2016:

“Petitioners apprehend arrest in a case registered at the instance of Hari Chand alleging that on 21.2.2016 his son Ved Parkash along with his wife-petitioner No.1 and petitioner No.2-daughter-in-law and petitioner No.3-other daughter-in-law had assaulted him compelling him to transfer his land in their names. Non-applicant Nanak Chand inflicted bat blow on the back and thigh of the complainant. Injuries attributed to the petitioner with stick and bat are stated to be simple. It is claimed that it is a case arising out of family dispute and petitioners have been falsely implicated. Petitioners are ladies and no grievous injuries have been attributed to the petitioners.

Notice to the State of Punjab for 6.5.2016.

Meanwhile an interim direction is issued that the petitioners will join investigation on 2.4.2016 and in case of their doing so, the petitioners will be released on interim bail to the satisfaction of the arresting officer.”

Likewise, on 30.03.2016, the notice of motion order was passed in CRM No.M-10671 of 2016 which reads in the following terms:

“FIR has been registered on the complaint of Hari Chand. Allegations pertain to an occurrence dated 21.02.2016 wherein he is stated to have been physically assaulted by the present petitioners who are his real sons as also other co-accused i.e. wife and two daughters-in-law.

Counsel would submit that it is a case of false implication on account of a family dispute regarding share in property. Further contended that the injuries attributed to the present petitioners with a stick and bat are simple in nature. Further submitted that coaccused i.e. other members of the family against whom there were similar allegations have been granted ad interim protection as regards arrest by this Court

vide order dated 22.03.2016 in CRM No.M-10329 of 2016.

Notice of motion, returnable for 06.05.2016.

To be listed along with CRM No.M-10329 of 2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Sukhpal Singh informs the Court that the petitioner(s) in both these connected petitions have since joined investigation.

It has gone uncontroverted that the injuries attributed to the present petitioner(s) have been opined to be simple in nature.

Reading of the FIR would in itself reveal that the genesis of the dispute is with regard to share in the property.

Counsel appearing for the complainant also does not dispute that civil proceedings and litigation pertaining to the family property already stand instituted and are pending.

Under such circumstances, custodial interrogation of the petitioner(s) would not be warranted.

Accordingly, both these petitions are allowed. Orders dated 22.03.2016 passed in CRM No.M-10329 of 2016 and 30.03.2016 passed in CRM No.M-10671 of 2016 are made absolute.

Disposed of.

06.05.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**