

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

(205)

CRM-M-11260-2016

Decided on: May 20, 2016.

Jaswant Singh and another

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jasjit Singh, Advocate, for the petitioners.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

The petitioners have filed present petition under Section 438 Cr.P.C. in a case registered at the instance of Manmohan Kaur alleging that on 12.07.2015 she was assaulted by the petitioners who had caught hold of her and inflicted two blows on the left arm with 'daat'.

Learned counsel for the petitioners has submitted that on 28.06.2015 mother of petitioner No.1 had been beaten by the complainant and her husband and the matter was got compromised vide Annexure P-1. On account of said rivalry, the petitioners have been falsely implicated in this case.

So far as injured Manmohan Kaur is concerned, she is alleged to have suffered an injury on the little finger.

With the assistance of learned State counsel and ASI Mahinder Pal, I have gone through the police file and the medical evidence collected during course of investigation.

Perusal of the x-ray report indicates that the left upper phalanx of the complainant is absolutely missing in the x-rays indicative of the old cut of the finger. Merely on the basis of fresh bleeding shown in the MLR, the injury has been opined to be a grievous injury. It is not mentioned in the MLR that the phalanx had been freshly cut or that portion of the cut finger also existed at the time of the occurrence.

It appears that the husband of the complainant, pertaining to an incident dated 06.06.2015, has compromised the matter but in order to pressurize the petitioner, his wife has launched the prosecution.

It does not appear to be a case of custodial interrogation.

Without expression of any opinion on merits of the case, the petition is allowed. It is ordered that in case of arrest of petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the conditions that they will join investigation as and when required and will not tamper with evidence or hamper the investigation in any manner and will not make any attempt to commit similar offence of which they are accused of, during the entire period of trial.

(M.M.S. BEDI)
JUDGE

May 20, 2016
harsha