

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

**Crl. Misc. No.M-42543 of 2016 (O&M)
Date of Decision: January 18, 2017**

Kulvinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.S. Gill, Advocate
for the petitioner (s).

Mr. Daljit S. Virk, A.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No.178 dated 21.08.2016 registered for the offences punishable under Sections 323, 307, 452, 365, 148 read with Section 149 of Indian Penal Code, at Police Station Phillaur, District Jalandhar Rural.

As per the prosecution case, petitioner along with several other persons armed with weapons like *kripans*, *dandas etc.* came to the house of complainant, who was earlier married to him, at about 06.00A.M. on 19.08.2016 and snatched her son Arman Singh from her. They caused injuries with their weapons on the right elbow, wrist and head of complainant and then caused injuries to Pardeep, husband of complainant.

Learned counsel for the petitioner submits that in fact,

petitioner has matrimonial dispute with the complainant. The children of petitioner and complainant were living with complainant and the divorce petition under Section 13-B of Hindu Marriage Act was still pending and no divorce was granted so far. Petitioner has been falsely implicated in this case as he was against the complainant living with Pardeep during the subsistence of her marriage with the petitioner.

On perusal of the paper book and the order of learned Additional Sessions Judge, Jalandhar dated 04.11.2016, I find that petitioner and his co-accused have caused serious injuries to the complainant and Pardeep Kumar after intruding their house. Three injuries on the person of Pardeep were found grievous while one injury was of fracture of skull. The matrimonial dispute between the complainant and the petitioner if can be presented as a reason for false implication, may also be a reason for causing injuries to the complainant and Pardeep Kumar. This fact will be seen during the investigation and trial.

Keeping in view the nature of injuries and the manner in which the same have been inflicted, I find no reason to exercise discretionary power of this Court under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner.

This petition has no merits.

Dismissed.

January 18, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No