

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

CRM-M-14222-2018 (O&M)

Date of Decision:- 8.10.2018

Balbir Kaur and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Paramjit Singh Jammu, Advocate, for the petitioners.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

Mr. Manvinder Sidhu, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.47 dated 16.2.2018, under Sections 323, 324, 34, 341, 506 IPC (Section 326 IPC added later on), Police Station Rania, Sirsa.

The FIR was lodged at the instance of Prem Singh wherein it has been alleged that on the day of occurrence he and his father were attacked by the petitioners. It is alleged that petitioner No.1-Balbir Kaur abused complainant's father and although the complainant and others tried to arise out with her but to no avail and rather she caught hold of collar of shirt of his father. It is further alleged that thereafter petitioner No.2 who happens to be 'Fuffar' (uncle) of the complainant took out a 'dattar' and abused his father and gave a blow with the same on the left hand of the complainant. It

is also alleged that petitioner No.1-Balbir Kaur lifted a wood, lying nearby and gave a blow with the same to the complainant, hitting the chest of the complainant.

The learned counsel for petitioners has submitted that the petitioners have falsely been implicated in the present case on account of the fact that there is some civil litigation over a plot going on between the complainant's family and the petitioners. The learned counsel has thus prayed for grant of anticipatory bail.

On the other hand, learned State counsel assisted by counsel for the complainant has submitted that it is a case where the complainant sustained fracture of his wrist and that in fact that petitioner No.2 has criminal antecedents inasmuch as he is involved in 4 other cases i.e. FIR No.303 dated 15.5.1997 under Sections 323, 324, 506, 34 IPC, Police Station Rania, Sirsa, FIR No.191 dated 23.5.1998 under Sections 323, 324, 506, 34 IPC, Police Station Rania, Sirsa and FIR No.61 dated 10.3.1999 under Sections 323, 324, 34 IPC, Police Station Rania, Sirsa.

Having considered the rival submissions addressed before this Court, I find that it is a case where petitioner No.1-Balbir Kaur is not attributed any grievous injury. So much so, she was not even armed at the time of occurrence and is simply stated to have picked up a wooden stick from the spot and is alleged to have caused an injury with the same on the chest of the complainant. As far as petitioner No.2-Shamsher Singh is concerned, he was armed with a 'dattar' and is attributed an injury on the left wrist of the complainant which has since been declared grievous in nature. The details of the FIRs furnished by the learned State counsel do reveal that petitioner No.2 is involved in other cases as well.

Having regard to the facts and circumstances and bearing in mind the fact that petitioner No.1 is a lady and is attributed a simple injury only, whereas petitioner No.2 was armed with ‘Dattar’ and was attributed a grievous injury, the petition is as such accepted qua petitioner No.1-Balbir Kaur only and interim directions issued vide order dated 6.4.2018 are made absolute subject to the condition that petitioner No.1 keeps on regularly appearing before the learned trial Court. However, the petition is dismissed qua petitioner No.2 Shamsher Singh.

October 8, 2018
mohan

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No