

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

CRM-M-No.25824 of 2018
Date of Decision:10.10.2018

Kirpal SinghPetitioner
Vs.
State of Punjab & AnotherRespondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr.Om Pal Sharma, Advocate for the petitioner.

Mr.K.S.Sidhu, DAG, Punjab.

Mr.Sunny Saggar, Advocate for the complainant.

SUDHIR MITTAL J. (ORAL)

The petitioner seeks anticipatory bail in case FIR No.110 dated 19.05.2018, registered at Police Station Durgi, District Ludhiana, under Sections 324, 452 and 307 IPC.

As per the allegations contained in the FIR, the petitioner and the complainant are blood brothers. They are residing in the same house. There is a dispute between them regarding division of the property. The petitioner allegedly cause an injury to the wife of the complainant and, thereafter, when the complainant came home, he stabbed.

Learned counsel for the petitioner submits that pursuant to the interim protection granted by this Court vide order dated 14.06.2018, the petitioner has joined investigation and the knife allegedly used in the incident has also been recovered. Thus, the interim bail may be confirmed.

Learned State counsel submits that the recovery of the iron rod which was used to cause injury on the back of head of the wife of the complainant has yet not been effected. The petitioner has, however, joined the investigation.

Learned counsel for the complainant states that the knife used by the petitioner barely missed the heart of the complainant. The complainant could have died in the incident. A very serious offence has been committed by the petitioner and, thus, he is not entitled to grant of anticipatory bail.

It is not disputed that the parties are related by blood. The petitioner has joined investigation and is cooperating therewith. For the offence committed by him, he shall ultimately be punished when the trial is concluded. At this stage, sending him behind the bars, would not serve any purpose.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 14.06.2018, is made absolute subject to compliance of conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973, by him.

(SUDHIR MITTAL)
JUDGE

10.10.2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No