

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

CRM-M No. 32519 of 2017

DATE OF DECISION :- March 26, 2018

Paramjit Kaur and another

...Petitioners

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Rajbir Singh, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Ishan Gupta, Advocate for complainant.

Petitioners Paramjit Kaur and Labh Singh, both of them being accused in DDR No. 106 dated 22.06.2017 under Sections 325/323/427/148/149 IPC and offence under Section 326 added later on in F.I.R. No. 106 dated 19.06.2017 registered with Police Station City Sunam, District Sangrur have approached this Court for grant of pre arrest bail.

Briefly stated the facts of this case as per prosecution story are that an F.I.R. No. 106 dated 19.6.2017 for offences under Sections 447, 511, 506, 427, 323, 148, 149 IPC was recorded with Police Station City Sunam on the basis of statement of complainant Labh Singh son of Mal Singh, resident of Dadi Poti road near Dera Sunder Dass of Sunam (present petitioner) on the allegation that on 19.6.2017 at about 11. A.M., when the complainant along with his wife Paramjit Kaur were present in their agricultural land, then Kahan Das along with his sons Karamjit Singh, Ikamkar Singh and Goldy came there and started cultivating the land with a

tractor where Bajra crop of Labh Singh was standing and on a protest being raised by Labh Singh, he was attacked by Karamjit Singh son of Kahan Das, whereas Paramjit Kaur was attacked by Kahan Das and Goldy. Thereafter, the assailants ran away. As per counter version of the incident, Labh Singh and Paramjit Kaur had inflicted injuries upon Kahan Das, total 5 in number. Three of the injuries being grievous in nature and two simple. Paramjit Kaur is stated to have inflicted injury no. 5 by giving Soti blow on left arm and Kahan Das, whereas remaining injuries are attributed to Labh Singh with a Gandasa on right leg above ankle, below knee of right leg, thumb of right hand and on wrist of left hand.

The petitioners had approached the Court of Sessions for grant of pre arrest bail but were unsuccessful, as such they have now knocked at the door of this Court.

I have heard learned counsel for the petitioners, learned counsel for the complainant and learned State counsel besides going through the record.

As far as petitioner Paramjit Kaur is concerned, the injury attributed to her is simple in nature caused with a Soti. She has since joined the investigation in terms of the directions issued to her vide order dated 1.9.2017. As far as accused Labh Singh is concerned, although according to the prosecution version, he had caused three injuries with a Gandasa which is a sharp edged weapon but in terms of the MLR of Kahan Das, all the five injuries are shown to be in the form of lacerated wound caused with a blunt weapon. That at best constitute an offence under Section 325 IPC which is bailable. Further more it comes out that the medical evidence does not support the story of prosecution that the injuries had been caused with a

Gandasa from sharp side.

Although it is stated that a medical board was constituted later on which had given its report and thereafter offence under Section 326 IPC was added but it remains debatable at this stage as to whether offence under Section 325 IPC or 326 IPC is attracted. It has to be taken into consideration that the main F.I.R. was recorded on the basis of statement of Labh Singh on the allegations that Kahan Das along with his sons and grand son had trespassed into his fields and damaged the standing crop there.

In terms of the order dated 4.1.2018 passed by the Court of Additional Civil Judge (Sr. Divn.), Sunam in a civil litigation pending between the parties, the parties had been directed to maintain status quo regarding the property dispute.

Labh Singh also joined the investigation as directed vide order dated 1.9.2017. The custodial interrogation of petitioners is not found to be necessary and it is a fit case to grant pre arrest bail to the petitioners.

Under such circumstances, the interim bail granted to the petitioners on 1.9.2017 is made absolute, subject to their fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

**(H.S. MADAAN)
JUDGE**

March 26, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No