

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

**CRM-M-46334-2018
Date of Decision: 29.10.2018**

Sukhwinder Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Anil Kumar Garg, Advocate
for the petitioners.

Mr. Luvinder Sofat, A.A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for anticipatory bail under the provision of Section 438 Cr.P.C in case FIR No.150 dated 12.07.2018 registered under Sections 365, 341, 452, 506, 148, 149 IPC at Police Station Sohana, District S.A.S. Nagar.

2. Learned counsel for the petitioners submitted that allegations are with reference to Sections 365, 341, 452, 506, 148, 149 IPC. There is no offence relating to assault. It was also submitted that it is a matrimonial disputed. Petitioner's sister Amandeep Kaur is wife of complainant Jatinder Singh. This FIR is out come of certain domestic issues among the family members which was earlier cropped up as is evident from Annexures P-1 and P-2. In order to over-come Annexures P-1 and P-2, complainant has falsely implicated the petitioners and others.

3. On other hand, learned State counsel on instructions from ASI Om Parkash submitted that offence under Section 452 IPC is required to be taken into consideration with reference to alleged act of the petitioner and others on the complainant. It was also pointed out from injury No.1 and No.2 in the MLR that it is not appears to be domestic issue but it is a fight

with injured complainant. So, they are not entitled to anticipatory bail.

4. Heard learned counsel for the parties.

5. Even though matter relates to domestic issue among the relatives but complainant has specifically stated that his wife Amandeep Kaur told that she does not want to live with his parents, the same is not adhered by the complainant. Consequently, she has invited her in-laws. Petitioners and others have attacked the complainant with weapons and so also caused injuries. Having regard to the offence under Section 452 IPC read with assault in particularly injury No.1 and 2, petitioner has not made out a case for anticipatory bail.

6. Accordingly, petition stands dismissed.

7. At this stage, learned counsel for the petitioner submitted that no offence relating to assault is mentioned in the FIR. Even though non mentioning of offence in FIR does not take away the truth having regard to the MLR read with the fact that complainant has been attacked with the weapon. Therefore, the above contention is hereby rejected.

29.10.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**