

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

CRM-M-36609-2018 (O&M)
Date of Decision:- 27.9.2019

Gurtej Singh ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ravneet Singh Joshi, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Gurcharan Dass, Advocate for respondent No.2.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.130 dated 22.7.2018 under Sections 354/323/308 IPC at Police Station Lehra, District Sangrur.
2. The FIR was registered at the instance of Sukhdeep Kaur wherein she has stated that she had been married to Beant Singh since the last about 9 years. Her husband has two more brothers out of whom Gurtej Singh is unmarried and who used to keep teasing her and committed obscene acts regarding which she had complained to her husband but Gurtej Singh did not refrain from his acts. The complainant informed about the said conduct to her parents and on 19.7.2018 when her father Hari Ram and his brother Prem Singh came to her matrimonial home in order to advise Gurtej Singh, then Gurtej Singh felt offended and tore the complainant's clothes and scratched her breast. It is further alleged that Gurtej Singh thereafter picked up a stick

lying nearby and hit the same on complainant's breast and right arm. When complainant's father came forward to rescue her then Gurtej Singh hit her father thrice on his head with the said stick and consequently, her father fell down unconscious.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and infact the FIR is a counter-blast in order to pressurize the petitioner not to proceed with and take action against the complainant's father Hari Ram and complainant's brother Prem Singh who had infact caused injuries to the petitioner. The learned counsel, in this regard, has referred to MLR dated 19.7.2018 in respect of injuries sustained by the petitioner including the lacerated wound measuring 1 cm x 0.3 cm on the parietal region of head of the petitioner. The learned counsel has submitted that the aforesaid MLR is in respect of the medical examination conducted on the day of occurrence itself and although he had informed the police but no action was taken thereupon and rather the other side got the present FIR lodged against the petitioner belatedly after consultations.
4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that since the injuries sustained by Hari Ram were found to be dangerous to life, therefore, an offence under Section 308 IPC was also added and that bearing in mind the fact that one of injuries has been declared as 'grievous injury', no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. While it is *prima facie* evident that complainant's father has sustained injuries including a 'grievous injury' but at the same time the fact that the petitioner was also

found to have sustained injuries on the same very day when he got himself medically examined, as would be evident from the medical report Annexure P-1, would show that the genesis of occurrence has been suppressed. In these circumstances, it will be only after the evidence is recorded that it may be established as to whether or not the petitioner was aggressor. In any case, since the petitioner has already joined investigation and challan has already been presented, custodial interrogation is not warranted.

6. The petition, as such, is accepted and the interim directions issued vide order dated 27.8.2018 are hereby made absolute subject to the condition that the petitioner shall appear regularly before the Trial Court and shall abide by the conditions as may be imposed by the Trial Court.

27.9.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No