

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) **CRM-M-37935-2018 (O&M)**
Date of Decision:- 15.7.2019

Soma Kaur and another	Versus	... Petitioners
State of Punjab		... Respondent

(II) **CRM-M-40197-2018 (O&M)**

Joga Singh and others	Versus	... Petitioners
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vihva Bahl, Advocate, for the petitioners.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.

1. This order shall dispose of the above mentioned two petitions wherein petitioners Soma Kaur, Hira Singh, Joga Singh, Davinder Singh and Manu, have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.45, dated 24.7.2018, registered at Police Station Jhander, District

Amritsar Rural, Amritsar, under Sections 323, 353, 186, 506, 148 and 149 IPC.

2. The FIR in the present case was lodged at the instance of Gurnam Singh, wherein it has been alleged that he is working as a watchman in Government High School, Talwandi Nahar and when on 25.6.2018, he was on duty and was sitting in a room in the school, then his wife Soma, his wife's brother Manga Singh armed with 'datar', his father Hira Singh armed with 'datar' and Manu s/o Manga Singh armed with 'datar' entered the school. It is alleged that Soma Kaur and Hira Singh raised *lalkara* to catch hold of the complainant and not to spare him. It is alleged that Joga Singh gave blows with 'datar' hitting the complainant on his forehead and on his right hand. Another blow hit him on the back of his elbow. When the complainant fell down, Davinder Singh gave blows with 'datar' to the complainant, hitting him on his left hand and left leg. Manu is also alleged to have inflicted blows with 'datar' to the complainant, hitting him on his left hand and on his fingers and also on his right thigh.
3. Learned counsel for the petitioners has submitted that it is a case of matrimonial discord between the complainant and his wife Soma Kaur and that the present FIR has been lodged after consultations and by exaggerations. It has further been submitted that in any case none of the injuries has been opined to be a 'grievous injury' and that since the occurrence had not taken place in a dwelling or a residence, Section 452 IPC would not be attracted.

4. Opposing the petition, learned State counsel has submitted that it is a case where the complainant was brutally attacked with deadly weapon and that he in fact has sustained a large number of incised wounds including incised wound on his forehead and that in these circumstances the petitioners do not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court and have also perused the MLR in respect of the injured and the photographs of the injured showing the sutured wounds of the complainant. The complainant has sustained as many as 7 incised wounds on various parts of his body including his forehead. Even if the doctor has not found any injury to be 'grievous', but still, keeping in view the manner in which the injuries had been caused and also the number and seat of injuries which are all in the nature of incised wounds which had to be stitched, it will certainly be debatable as to whether it is just an offence under Section 324 IPC or would also fall within the mischief of Section 307 IPC. Bearing in mind the ruthlessness manner in which the injuries had been caused to the complainant and that accused Hira Singh, Joga Singh, Davinder Singh and Manu are specifically alleged to be carrying 'datar', this Court does not find any case for grant of anticipatory bail to petitioners Hira Singh, Joga Singh, Davinder Singh and Manu and the petitions filed on their behalf, as such, are dismissed.
6. However, as far as petitioner Soma Kaur is concerned, even as per the FIR, she is not alleged to be armed with any weapon and is attributed *lalkara* only. She is neither alleged to have caused any injury nor

has held the complainant so as to facilitate causing of injuries. Keeping in view the said facts and while bearing in mind the fact that she is a lady, petition filed on behalf of Soma Kaur, only, is accepted and interim directions issued vide order dated 31.8.2018 are made absolute subject to the condition that petitioner-Soma Kaur shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

8. Consequently, while petition bearing No. CRM-M-37935-2018, is accepted qua Soma Kaur only and dismissed qua petitioner No.2 Hira Singh, the petition bearing No. CRM-M-40197-2018, filed on behalf of Joga Singh, Davinder Singh and Manu, is dismissed.

July 15, 2019
mohan

(GURVINDER SINGH GILL)
JUDGE

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