

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

220

CRM-M-52544-2018

Date of Decision:14.03.2019

Sukhpal and another

....petitioners

Versus

State of Punjab and another

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.D.R.Punia, Advocate
for the petitioner

Mr.Ramdeep Partap Singh, DAG Punjab

Mr.C.S.Singhal, Advocate
for respondent No.2

RAJ SHEKHAR ATTRI, J. (ORAL):

The petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of pre-arrest bail in case FIR No.105 dated 05.06.2016, registered under Sections 452/354/354-A/323/509/148/149 IPC at Police Station City Phagwara, District Kapurthala.

This Court, vide order dated 14.12.2018 dismissed the petition qua petitioner No.2-Vijay Kumar and petitioner No.1-Sukhpal was directed to join the investigation. Petitioner No.2-Vijay Kumar challenged the said order before the Hon'ble Supreme Court and his arrest was stayed vide order dated 15.01.2019.

It is stated in the FIR that a civil dispute is pending between the prosecutrix and her brother Varinder Bihal. On 19.04.2016 at about 11.15 PM, the petitioners along with associates entered the house of the complainant to take the possession of the house and there was a dispute between the parties. The prosecutrix has categorically stated in para No.2 of the complaint, which is reproduced as under:

“After entering the house first of all Sarwan Singh pulled me by my hairs and Ravinder who was having a basebat in his hand gave me blow on my left leg, then Raju who was having iron datar in his hand gave the blow from reverse side on my

shoulder, Gagan gave me blow which he was having in a hand on my right knee. Varinder @ Sabi gave me hockey blow on my left arm. Then Vijay gave me iron rod blow. When I raised alarm then Sarwan Singh, Ravinder, Gagan and Varinder ran away from the spot. Sukhpal, Raju, Babbu and Vijay started quarrelling/manhandling and torn my clothes and also tampered with my private parts. Then Vijay said today he will kill her and all of them gave my abuses. When I tried to run away then Vijay gave a blow of iron dat on me which hit on my right eye. All these persons with bad intention came with the intention to kill me. When I entered the street and raised alarm they accused ran away.”

Learned State counsel on instructions from the Investigating Officer submits that nothing is to be recovered from petitioner No.1-Sukhpal.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to petitioner No.1-Sukhpal in the present case. Ordered accordingly.

Resultantly, the interim order dated 14.12.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

14.03.2019

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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No