

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

CRM-M-25167-2019 (O&M)
Date of Decision:- 8.7.2019

Neelam @ Bholi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vaibhav Narang, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner-Neelam @ Bholi seeks grant of anticipatory bail in respect of a case registered vide FIR No.41, dated 8.5.2019, registered at Police Station Dhariwal, District Gurdaspur, under Sections 324, 325, 34 IPC (Section 326 IPC added subsequently).
2. At this stage, Mr. Rajeev K. Kapila, Advocate has appeared on behalf of the complainant and filed power of attorney. The same is taken on record.
3. The FIR was registered at the instance of Munish Sharma, who has alleged that he was married to Jyoti about 4 years back. His wife had gone to her maternal grand-father Sh. Jaspal, about a week ago. It is

alleged that on 2.5.2019, when the complainant went to the house of Jaspal to get his wife back then his wife's "Masad" (uncle) and "Masi" (aunt) namely Jagan Nath and Bholi were also present there along with their son Ashwani. A dispute arose between the petitioner and his wife. It is alleged that Ashwani raised a *lalkara* exhorting others to catch hold of the complainant and to kill him. It is alleged that Jagan Nath took out a "datar" and hit the same on the left leg of the complainant. Thereafter Bholi gave a "stick" blow on the head of the complainant. It is alleged that complainant's wife Jyoti had instigated them to give beatings to the complainant.

4. Learned counsel for the petitioner has submitted that the matter in fact arises out of matrimonial discord between Jyoti and her husband Munish Sharma and that the petitioner has been falsely implicated in order to pressurize Jyoti. It has further been submitted that the petitioner is attributed one blow on the head of the complainant and is not attributed the 'grievous injury' which has been caused with the sharp edged weapon i.e. "datar" by co-accused Jagan Nath on the leg of the complainant.
5. Opposing the petition, the learned State counsel has submitted that since the petitioner has also caused an injury on the head of the complainant with the help of a "stick" which is duly reflected in the MLR, no case for grant of anticipatory bail is made out.
6. I have considered rival submissions addressed before this Court. Bearing in mind the fact that it is the co-accused who is attributed the 'grievous injury' and while also bearing in mind that the petitioner is

a lady, a lenient view is called for. The petitioner is already stated to have joined investigation. However, without making any expression as regard merits of the main case, the petition, is accepted and interim directions issued vide order dated 30.5.2019 are made absolute subject to the condition that the petitioner 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.

7. The present petition stands accepted accordingly.

July 8, 2019

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No