

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

CRM-M-32207-2019 (O&M)
Date of Decision:- 17.10.2019

Sanjay Goyal and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh K. Dadwal, Advocate, for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioners-Sanjay Goyal and Sunny Goyal, seek grant of anticipatory bail in a case registered vide FIR No.99, dated 4.4.2019, registered at Police Station Model Town, Hoshiarpur, under Sections 323, 354, 452, 34 IPC.
2. The FIR was lodged at the instance of Amandeep Kaur wherein it has been alleged that Sanjay Goyal and his brother Sunny Goyal used to install a fruit '*rehri*' (hand driven cart) outside their house adjacent to boundary of her house and when they objected to the same they hurled abuses. When the complainant's uncle who had come from abroad made a complaint to Municipal Committee, Hoshiarpur, then the employees of the Municipal Committee visited the spot and assured them that the said '*rehri*' would be got removed within two

days but despite the same Sanjay Goyal and Sunny Goyal did not remove the said '*rehri*'. It is alleged that on 31.3.2019 Sanjay Goyal entered into the house of the complainant and when the complainant objected to the same, he gave a slap on her right cheek and caught hold of her hair and scuffled with her. When the complainant raised alarm her brother also reached at the spot and rescued her from Sanjay Goyal. It is further alleged that in the meantime Sunny Goyal also entered into the house carrying an ice pick (a strong thick iron needle with handle used for breaking ice blocks) and gave a blow with the same on the neck of the complainant's brother Parminder Singh. It is further alleged that thereafter Sanjay Goyal gave an iron rod blow on the left arm and left shoulder of the complainant and then ran away while issuing threats to them.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the present case simply in order to pressurize them to remove the '*rehri*'. Learned counsel has submitted that in fact the petitioners have been plying '*rehri*' and were duly authorized for the same by the Municipal Committee, Hoshiarpur which was collecting an amount of ₹500/- per month for the said purpose from the petitioners.
4. Opposing the said petition, learned State counsel has submitted that since the petitioners are specifically named in the FIR and the allegations are also substantiated from the MLR of the complainant who sustained two simple injuries opined to have been caused with a blunt-edged weapon, no case for grant of bail is made out. It has

further been submitted that the alleged deposit of ₹500/- per month with Municipal Committee, Hoshiarpur, by the petitioners, in any case would not authorise them to park their '*rehri*' outside the house of the complainant. It has however been informed that the petitioners have joined investigation.

5. I have considered rival submissions addressed before this Court. Bearing in mind the nature of allegations and the fact that it is a case of causing of simple injuries with a blunt-edged weapon and also that the petitioners have since joined investigation, the petition is accepted and interim directions issued vide order dated 30.7.2019 are made absolute subject to the condition that the petitioners 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.
6. The order is subject to the condition that each of the petitioners shall pay an amount of ₹10,000/- to the complainant within one month from today as compensation for the injuries sustained by the complainant. Payment of the said shall, however, is not to be construed as any admission or finding of guilt

October 17, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No