

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38938 of 2019

Date of Decision: 30.10.2019

Lovepreet Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vinay Kumar, Advocate,
for the petitioners.

Mr. B.S. Sewak, Addl. A.G. Punjab.

Mr. N.P.S. Mann, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

On 13.09.2019, the following order had been passed:-

“Though learned counsel for the petitioners has contended that the occurrence has not taken place at all and the petitioners have been falsely implicated on account of the fact that they had lodged a complaint against the complainant with regard to the allegation of rape of their mother over a period of time, the fact remains that the complainant is shown to have received four injuries, two of them being on his head, with both of them declared to be grievous injuries.

Without making any comment on the actual merits of the case, simply to determine as to what investigation was carried out in the complaint earlier made on the allegation of rape and if there is any fall out due to that complaint, let notice of motion be issued, returnable on 20.09.2019.”

Today, learned State counsel on instructions from the police official who is present in court to assist him, submits that as a matter of fact the mother of petitioner no.2, i.e. Harpinder Kaur, had filed CRM-25522/M/2019 before this court, which has been disposed of on May 30, 2019, with a direction to the State of Punjab to consider and decide the representation of that petitioner (mother of petitioner no.2) by passing a speaking order within a period of 90 days.

Thereafter, the SSP, Tarn Taran has, in fact, passed an order on July 17, 2019, stating to that effect that on inquiry conducted, it has been found that the allegation made by Harpinder Kaur and her family members against the complainant in the present FIR, i.e. Sukhjinderpal Singh and his family members, was wholly false, with her only trying to put a pressure on them to compromise the matter.

Learned counsel for the petitioners, on the other hand, submits that the application/representation of Harpinder Kaur, having been made on 04.03.2019, the question of any pressure being put on the complainant to compromise the matter (with regard to the FIR registered as also with regard to any money dispute between them) would not arise, the occurrence by which the complainant is stated to have been injured, even as per his own version, having taken place on March 06, 2019.

Learned State counsel, on the other hand, submits that as a matter of fact no such representation dated 04.03.2019 was ever received by the police and in fact it was only upon the aforesaid petition having been filed before this court and directions issued thereafter, that the matter was enquired into.

Having considered the above, without making any comment on the actual merits of the case for or against the petitioners, but also seeing from the police file as has been produced by learned State counsel, that an MLR dated

March 06, 2019 was recorded in respect of four injuries stated to have been sustained by the complainant in the present FIR, i.e. Sukhjinderpal Singh, two of them being incised wounds measuring 9 cm x 2 cm, and 2 cm x 1 cm, in the region of the head, with swelling also present and fresh bleeding seen, an abrasion also having been received by him (as per the MLR), with the Medical Board having declared injury no.1 to be dangerous to life, I see no reason to entertain this petition seeking anticipatory bail, which is consequently dismissed.

Nothing stated hereinafore, naturally, would be taken to be a comment on the actual merits of the case for or against the petitioners, which would naturally be subject matter of investigation, and trial if it comes to that stage, with all the observations made only being in the context of a petition filed under Section 438 of the Cr.P.C.

In the event of the petitioners being arrested, if they file any application/petition under the provisions of Section 439 of the Cr.P.C., that would be considered wholly on its own merits by the competent court.

October 30, 2019
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes