

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

CRM-M-47163-2019 (O&M)
Date of Decision:- 10.12.2019

Sagar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. H.S.Thiara, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Neeraj Kumar.

Mr. Rajesh Kumar Dadwal, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.133 dated 7.5.2019, under Sections 365/511/323/324/452/34 IPC at Police Station Model Town, District Hoshiarpur.
2. The FIR was registered at the instance of Aman Kumar wherein it has been alleged that he had married to Parveen Kaur and a daughter was born out of the wedlock, who is presently aged 1½ years and that he is looking after his daughter as he had taken '*panchayati divorce*' from his wife. On 7.5.2019, while his daughter was playing in the courtyard, two motorcycles stopped in front of their house. His wife Parveen Kaur and Sagar-petitioner who was holding '*datar*' along with two other persons pushed their way through the gate into their house. Parveen Kumar with an intention to kidnap

complainant's daughter picked up his daughter. When the complainant and his nephew Milan rushed forward to save his daughter, then complainant who was carrying a '*datar*' in his hand attacked the complainant hitting him on his left arm. The complainant was caused more injuries as well. When the complainant raised alarm, some other residents of the locality gathered there and upon seeing them the accused fled away from the spot. The complainant's nephew, however, managed to snatch complainant's daughter from the accused.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that infact it is a case of some matrimonial discord between the complainant and his wife Parveen Kaur (non-applicant) whereas the petitioner has nothing to do with the alleged occurrence.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that since it is a case where the petitioner has specifically been named in the FIR and is stated to have caused injuries which are duly reflected in the MLR, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner is alleged to have been carrying a weapon in the nature of '*Kappa*' and is stated to have caused injuries to the complainant which are duly substantiated from the MLR which reflects that as many as 4 injuries has been sustained by the complainant including incised wound, it is a case where custodial interrogation would be required.
6. The petition is sans merit and is hereby dismissed.

7. Keeping in view the fact that the main case has been decided, the application bearing CRM No.37602 of 2019 seeking correction/modification of order dated 5.11.2019 in the main case is rendered infructuous and is disposed off as.

10.12.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No