

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

CRM-M-6394-2020 (O&M)

Date of Decision:- 18.2.2020

Harjodh Singh @ Jodha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. R.S.Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.94 dated 24.6.2019 under Sections 323/458/34 IPC (Sections 325 & 459 IPC added lateron) at Police Station Sadar, District Barnala.
2. The FIR was lodged at the instance of Buta Singh wherein it has been alleged that he is residing separately from his parents and that on 22.6.2019, he had an argument with his father Nachhatar Singh and there was a verbal spat amongst them. Later, after having dinner he slept in his house but at about 11:30 p.m., his father accompanied by complainant's brothers-in-law Kaka Singh and Jodha Singh scaled the wall of his house and caused injuries to him. It is alleged that both Kaka Singh and Jodha Singh were carrying 'sticks' in their hands and that Jodha Singh gave a blow with the same on his left leg while Kaka Singh gave a blow on his left arm. It is further alleged that complainant's father Nachhatar Singh who was also armed with a 'stick' also caused injuries to him on the little finger of his right hand.

3. The learned counsel for the petitioner has submitted that it is a case where there is a dispute apparently between the son and his father Nachhatar Singh and that the petitioner has been falsely implicated.
4. Opposing the petition, the learned State counsel has submitted that since the allegations are *prima facie* found to be substantiated inasmuch as five injuries were found on the person of the complainant including a 'grievous' injury in the nature of a lacerated wound on the left shin of the complainant, no special case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. Given the fact that the parties are closely related and also that it is a case where none of the accused was armed with any deadly weapon and that all the injuries are in the nature of lacerated wounds and are on non-vital parts and that the injury stated to be 'grievous' injury is on leg and at best would attract an offence under Section 325 IPC, custodial interrogation of the petitioner is not warranted.
6. The petition, as such, is accepted and it is ordered that the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

18.2.2020

kamal

(Gurvinder Singh Gill)
Judge