

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 23128 of 2020

Date of Decision: 30.09.2020

Sohan Gir and Another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Chanchal K. Singla, Advocate
for the petitioner(s).

Ms. Samina Dhir, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

On 16.09.2020, the following order has been passed by this

Court:-

“The petitioners pray for grant of pre-arrest bail in a criminal case arising from FIR No. 37 dated 11.7.2020 U/s 307,452,324,323,506,34 IPC P.S. Block Majri, SAS Nagar.

Learned counsel for the first informant has informed the Court that offence under Section 326 IPC has been added by the police.

In a nutshell, the facts of the case have been noticed by the learned Additional Sessions Judge, Mohali in para 4 of the order dated 6.8.2020, which is extracted as under:-

“4. The facts, which has given rise to present FIR,

are that on 11.7.2020 complainant Bahadur Singh

got recorded his statement to the effect that he is working as Superintendent in Navodya Vidyalya, Chandigarh. On 10.07.2020 at about 10:00 PM his neighbourer Sohan Gir, who is son of his paternal uncle, started abusing them. Earlier also he used to abuse and threatened to eliminate them. Later on, Sohan Gir and his wife Navneet Kaur (applicants) started abusing them by standing on their roof. Complainant went to the house of the sarpanch to inform and call her on the spot. But she being lady, sent her husband Dhanpat Rai @ Dhana along with him. In the mean time, Sohan Gir and his wife Navneet Kaur entered into his house from the roof of their house. They were armed with spade. When the complainant along with Dhanpat Rai came back, they found that mother of the complainant was present on the roof of the house. Sohan Gir and his wife were threatening them. When his sister-in-law Rajwinder Kaur opposed them, Sohan Gir gave a blow of spade on her head with the intention to kill her. He also gave blows of spade on the back and left shoulder of his sister-in-law. When mother of the complainant tried to rescue Rajwinder Kaur, Sohan Gir and his wife Navneet Kaur gave injuries

on her head. When the complainant tried to save them, Sohan Gir gave a blow of spade on the head of the complainant with the intention to kill him but as the complainant was holding the umbrella, the blow hit on the hand of the complainant. Thereafter, Sohan Gir gave another blow of spade on the back of the complainant and the third blow of spade was given on the head of the complainant. Due to the injuries suffered by the complainant, blood started oozing out. When all the family members raised hue and cry, people started gathering, thereafter Sohan Gir and his wife Navneet Kaur fled away along with their weapon, after giving them threats. He stated that Sohan Gir and his wife have entered into their house after jumping over the wall/ roof of his house and attacked them with the intention to kill them. He prayed that appropriate legal action be taken against both the accused. On the basis of the statement of the complainant, present case has been registered against the applicants/accused.”

Learned counsel for the petitioners contends that the offence under Section 307 IPC has been wrongly added, although there is no opinion of the doctor that any injury, suffered by the various injured persons, is dangerous to life. He

further contends that a civil dispute between the parties is pending.

On the other hand, learned counsel for the first informant has contended that previously also petitioner no.1 attacked and an FIR No. 33 dated 14.3.2018 was registered against him. It is further contended that petitioner no.1 gave a blow of spade on the head of the first informant. He also gave a blow of spade on the back and left shoulder of his sister-in-law.

This Court has considered the submissions. The allegations against the petitioner no.1-Sohan Gir are serious in nature. There is history of disputes between the parties. Hence, prayer for pre-arrest bail on behalf of Sohan Gir-petitioner no.1 is dismissed. However, keeping in view the facts of the case, let Navdeep Kaur-petitioner no.2 join investigation.

Adjourned to 30.9.2020.

In the meantime, in the event of arrest, petitioner no.2 shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, petitioner no.2 shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Ms. Samina Dhir, Deputy Advocate General, Punjab, on the instructions from Assistant Sub Inspector Paramjit Singh, has submitted that the petitioner has joined investigation, co-operated and not required for

further custodial interrogation.

In view of the aforesaid facts, the present petition is allowed and interim pre-arrest bail granted to the petitioner by this Court on 16.09.2020 is made absolute.

(Anil Kshetarpal)
Judge

September 30, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No