

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 28913 of 2020

Date of Decision: 28.09. 2020

Sawinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner(s).

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

Mr. Balbir Singh Jaswal, Advocate
for the complainant.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from DDR No. 29 dated 22.11.2019, under Section 323, 325, 326, 148 & 149 IPC recorded in FIR No. 186 dated 12.11.2019, registered under Section 323, 324, 427, 452, 148 & 149 IPC (Section 354-A, 325 & 354-B IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “the 2012 Act”), at Police Station Gharinda, District Amritsar Rural.

Learned counsel for the petitioner contends that the petitioner registered the FIR No. 186 dated 12.11.2019 against the accused including Nirmal Kaur under Section 323, 324, 427, 452, 148 & 149 IPC.

Subsequently, the offences under Section 354-A, 354-B & 325 IPC and

Section 8 of the 2012 Act were added. He further submits that after a period of ten days, the petitioner was sought to be falsely implicated on the basis of DDR No. 29 dated 22.11.2019, under Section 323, 325, 326, 148 & 149 IPC registered on the statement of Nirmal Kaur. He further submits that as per the DDR, although the petitioner is alleged to be present at the time of incident, however, no overt act is attributed to him. Thereafter, on a supplementary statement of Nirmal Kaur recorded on 09.12.2019, it has been alleged that the petitioner has cause two injuries with his spade (Kahi) on her head. Learned counsel further submits that the dispute between the parties is arising from the property dispute.

The petitioner is stated to be in custody since 29.07.2020. He is in detention for a period of two months approximately.

Keeping in view the facts of the case and without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

September 28, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No