

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

CRM-M-31754-2020

DECIDED ON: 8th October, 2020

TARA SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Randhir Thind, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 261 dated 10.9.2020, under Sections 326, 324, 323, 34 IPC, registered at Police Station Shahkot, District Jalandhar.

The brief facts of the case are that the son of the petitioner married Manjit Kaur on 21st May, 2012. The marriage was against the wishes of parents of both side. They sought protection from this Court. They were blessed with a daughter. However, in 2018 the marriage was dissolved by mutual consent. In July, 2020 the couple started residing together again. On 10th September, 2020, FIR was registered at the instance of the daughter-in-law of the petitioner alleging that she was being harassed by her husband and in-laws, as her husband wanted to settle in America and her father-in-law was supporting the same. On 28.8.2020 there was an altercation between the husband and father-in-law at Darbar Baba Bittu Sarkar Rabbe Dattariwale. When she intervened and asked that she should be dropped in the village, the husband who was carrying a sword gave blow on her wrist and the petitioner gave a chimta (iron plucker) blow on the back of her head.

Learned counsel for the petitioner submits that the petitioner is residing with his elder son in a different village, he was not present at the time of alleged occurrence, the petitioner is a senior citizen and is being harassed to ensure transfer of house in favour of the grand-daughter. It is further submitted that injury attributed to the petitioner is simple in nature. He further submits that husband and wife have compromised and only the petitioner is being harassed.

Learned counsel for the State opposes the prayer stating that the petitioner has been named in the FIR and a specific role attributed to him. He, however, on instructions from ASI Balwinder Singh submits that as per the MLR the complainant has suffered two injuries, one is with sharp weapon on the wrist and other on the back of the head with blunt object.

Considering the facts in totality and moreover, that even if the allegations in the FIR are taken on its *prima facie* value, the injury attributed to the petitioner is simple in nature, the petitioner is 65 years of age and the case has history of previous litigation and matrimonial dispute, the petitioner is granted anticipatory bail subject to joining investigation within two weeks from today. He would be bound by the conditions under Section 438(2) Cr.P.C.

The petition is disposed of.

However, the State shall be at liberty to move an application for recalling of the order in case the petitioner fails to join the investigation within the stipulated period.

(AVNEESH JHINGAN)

JUDGE

8th October, 2020.
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Whether speaking/reasoned Yes
Whether reportable No