

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

CRM-M-40417-2019 (O&M)

Date of Decision:- 26.2.2020

BUTA SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Daman Jeet Bhoriwal, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab
assisted by ASI Kulwant Singh.

Mr. Kapil Aggarwal, 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.12 dated 27.2.2019 under Sections 452, 323, 324, 326, 506, 427, 148, 149 IPC at Police Station Ghall Khurd, District Ferozepur.
2. The FIR in question was lodged at the instance of Joginder Kaur wife of Lakhwinder Singh wherein it has been alleged that on 24.2.2019 at about 1:30 p.m. when she as well as other members of her family were present in the house then Buta Singh armed with '*Gandasi*', Gurbhej Singh armed with '*Dang*', Ranjit Kaur armed with '*Gandasi*', Sahib Singh armed with '*Dang*' and Raj Kaur empty handed forcibly entered their house. It is alleged that Raj Kaur raised '*Lalkara*' to catch hold of the complainant

and others and to teach them a lesson for having become a member of '*Panchayat*'. It is alleged that Buta Singh gave a blow with '*Gandasi*' from its reverse side hitting left jaw of her husband. Gurbhej Singh gave a blow with '*Dang*' hitting left knee of her husband, Ranjit Kaur is also stated to have given a blow with '*Gandasi*' to complainant's husband hitting his left hand. Thereafter Buta Singh gave another blow with '*Gandasi*' on the left hand of complainant's husband.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact the genesis of occurrence has been suppressed inasmuch as the petitioner himself sustained two incised wounds regarding which no explanation is forthcoming.
4. Learned State counsel assisted by learned counsel for the complainant has opposed the petition and has submitted that since it is a case where the injured Lakhwinder Singh sustained two fractures on his jaw, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. A perusal of the MLR in respect of the petitioner (Annexure P-3) would show that even the petitioner had sustained following injuries:-

1. Complaint of pain over chest.
2. Bone deep incised wound measuring 6.2 c.m. X 0.2 c.m. present obliquely over front of right leg, 17 c.m. below tibial tuberosity, inner end is lower to the outer end. Margins swollen, reddish clotted blood, present at margins. Corresponding cuts two in number present over the lower that the patient is wearing. The cut on the lower measuring 8 c.m. each and are over lapping. Blood

stains present over the surrounding area. However no evidence of dripping of blood.

3. Incised wound measuring 4.6 c.m. X 0.2 c.m. present horizontally over inner aspect of right hand, 4.2 c.m. from right wrist. Tailing inwards, margins swollen, reddish clotted blood present.

6. The aforestated injuries apparently have been caused with some sharp edged weapon but no explanation in respect of the same is forthcoming. Keeping in view the aforesaid injuries, it would be certainly be debatable as to which party was the aggressor. In any case, since the petitioner is already stated to have joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 18.10.2019 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

26.2.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**