

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4047-2021 (O&M)
Date of Decision:- 11.2.2021

Jaiml Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Simrandeep S. Sandhu, Advocate, for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab,
assisted by SI Harbhajan Singh.

Ms. Rana Ghuman, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

CRM-3034-2021

In view of the reasons mentioned in the application, the same is allowed and vernacular copy of FIR is taken on record.

The Registry is directed to substitute the Annexure P-1 earlier filed with the vernacular which has been filed today with the application.

CRM-M-4047-2021 (O&M)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No. 285, dated 15.11.2020, Police Station Sardulgarh, District Mansa, under Sections 308, 23, 148, 149 IPC.

2. The FIR in question was lodged at the instance of Raju Ram S/o Piara Ram wherein he has stated that his father Piara Ram has two brothers namely Kirshan Ram and Jaiml Ram. His uncle Jaiml Ram was not blessed with any child and consequently he had adopted Shinder Pal son of the other uncle of the petitioner about 11/12 years back. Said Shinder Pal was also got married but subsequently Shinder Pal started residing at the village of his in-laws as he had been ousted from the house by his uncle Jaiml Ram. It is alleged that on 13.11.2020 on the eve of Diwali, Shinder Pal along with his family visited the village of the complainant. It is further alleged therein that on the said day complainant's uncle while under influence of liquor started hurling abuses and asked as to why the complainant and others had allowed Shinder Pal to enter the village. It is further alleged therein that later when the complainant was near the house of petitioner Jaiml Ram, they saw that Jaiml Ram was armed with 'axe' who was accompanied by Bhola Ram, who was armed with 'sword', Sukhi armed with a 'stick', Gagandeep and Manu Ram who were also armed with 'sticks'. It is alleged that Jaiml Ram raised a *lalkara* for teaching Raju Ram a lesson for having allowed Shinder Pal to enter the house and gave a blow with 'axe' from its reverse side on the complainant's head. Bhola Ram is alleged to have given a blow with 'sword' hitting the left hand of the complainant. The complainant's father was also attracted to the spot and when he tried to save the complainant, Sukha Ram gave blows on him with the help of 'stick'. Gagandeep Singh is alleged to have

given a blow with 'stick' on the chest of the complainant, Manu is also stated to have inflicted a blow on the left elbow of the complainant's father. Thereafter Jaiml Ram pushed the complainant and threw him on the ground. It is further alleged that Gagandeep gave a blow with 'stick' on the ear of the complainant. When complainant's father raised alarm, Shinder Pal was attracted to the spot who also raised alarm and thereafter the accused fled away from the spot.

3. Learned counsel for the petitioner has submitted that it is a case of cross-versions wherein the occurrence had in fact taken place in the house of the petitioner and in which the petitioner also sustained 4 injuries including an incised wound. Learned counsel has submitted that in fact it is apparent that the complainant's side nursed a grudge with the petitioner inasmuch as the petitioner after having adopted Shinder Pal had ousted him from his house. Learned counsel has drawn the attention of this Court to the cross-version (Annexure P-2) lodged at the instance of Jaiml Ram wherein it is alleged that on 14.11.2020 Piara Ram, his son Raju Ram, Shinder Pal, Giani Ram and Raj Kumar quarreled with him in his house and Piara Ram gave a blow with an 'axe' on his head and which he warded off while raising his hand. Raju is also to alleged to have given a blow with 'dang' on the left shoulder. Shinder Pal is stated to have given a blow with a 'dang' on the right shoulder of the complainant. When Jaiml's nephew Sukha Ram came forward to save him, Piara Ram gave two blows with 'axe' to him hitting him on his head and hand. Learned

counsel has submitted that the aforesaid injuries on the person of petitioner's nephew are duly substantiated from medical record.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner had caused a grievous injury on the head of the complainant Raju Ram which is clearly evident from the medical record, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that a grievous injury has been caused by the petitioner on the complainant's head with the help of an 'axe' but this Court finds that it is a case of cross-versions wherein the petitioner as well as complainant has also sustained injuries which is also duly substantiated from the medical record. The case apparently arises out of some kind of a property dispute inasmuch as the petitioner who does not have any issue had at one point of time adopted Shinder Pal but later on ousted him. Such kind of conduct would certainly furnish a motive with the Shinder Pal and other members of his family to nurse a grudge against the petitioner. The occurrence in any case is also stated to have taken place near the house of the petitioner. In these circumstances it will certainly be debatable as to whether the petitioner can be said to be aggressor or not.
7. Having regard to the aforesaid facts and circumstances, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the petitioner in the event of arrest 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 abide by the conditions as provided under Section 438 (2) Cr.P.C.

February 11, 2021

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No