

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

(Sr. No. 237-2)

CRM-M No. 4945 of 2021

Date of decision : 23.08.2021

Sukhwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Amit Dhawan, Advocate for the petitioner.
Mr. Jagmohan S. Ghumman, DAG, Punjab.
Mr. Amit Jhanji, Senior Advocate with
Mr. Shashank Sharma, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No. 287 dated 27.12.2020 registered
under Sections 325, 451, 323, 506, 34 IPC (Section 308 IPC added later on)
at Police Station Kartarpur, district Jalandhar Rural.

Briefly stated, the case of the prosecution is that while the
complainant-Kamaljit Kaur and her husband-Daljit Singh were present at
their tubewell, the petitioner, along with his wife-Bhupinder Kaur and son-
Manpreet Singh @ Mandeep Singh @ Sonu, came there; the petitioner who
was armed with a spade gave blows with the same on Daljit Singh's right

leg; co-accused Manpreet Singh gave wooden log blows on Daljit Singh's right leg and head; co-accused Bhupinder Kaur who was armed with a *datar* gave blows from its reverse side on the right eye of Daljit Singh as also on his face/teeth and when hue and cry was raised by the complainant party, the petitioner along with his co-accused fled the scene.

Learned counsel for the petitioner argued that the petitioner has been falsely implicated in this case at the behest of the complainant with whom the petitioner and his family have a land dispute; the complainant party was the aggressor; the petitioner has no criminal antecedents and that it was the petitioner's wife-Bhupinder Kaur who had been given a head injury by the complainant and her husband-Daljit Singh.

Learned State counsel as also learned senior counsel appearing for the complainant opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner and his co-accused has inflicted serious injuries on the complainant's husband resulting into two fractures on his leg as also injuries on his head/face. It was further submitted that out of the above two fractures one fracture was caused by the petitioner and that the weapons used in the attack are still to be recovered. It was still further submitted that since the incident took place at the tubewell of the complainant, it is clear that the petitioner and his co-accused were the aggressors.

As per the FIR the complainant's husband-Daljit Singh has received injuries on his head/face and two fractures in his right leg. The petitioner is alleged to have caused one of the fractures on Daljit Singh's leg.

In the light of the above serious allegations which are corroborated by medical evidence and because recovery of the weapon allegedly used by the petitioner is still to be recovered, the present case is not considered a fit one for the grant of anticipatory bail.

Dismissed.

23.08.2021

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No