

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

CRM-M-6804-2020 (O&M)

Date of decision: 13.07.2021

Harjinder Kumar @ Dimpy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Harsh Bunger, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Harjinder Kumar @ Dimpy, an accused in FIR No.69 dated 31.05.2018, for offences under Sections 307, 452, 324, 323, 427, 506, 148 and 149 IPC, registered with Police Station Kathgarh, District SBS Nagar.

Briefly stated the facts of the case as per prosecution story are that, on 31.05.2018 at about 3.00 PM when complainant Jasvir Singh son of Gulzara Ram, aged about 32 years, a labourer by avocation along with his family was present at home, then petitioner/accused Harjinder Kumar @ Dimpy armed with gandasi, his son Mammu having a danda and Banni son of Sudhama, having an iron rod accompanied by 15-20 other persons in the age group of 20 to 30 years, having Sabbals, hammers, iron rods raising loud noises came in front of house of

complainant and forcibly demolished the gate of his house; they trespassed in the house of complainant and demolished the entire wall adjoining the house of complainant towards the street; the complainant and his wife Rajwinder Kaur raised alarm, which attracted Ram Sarup son of Bachna Ram and Vivek Kumar son of Ashok Kumar to the spot; Dimpy son of Davinder Kumar gave a gandasi blow on head of Vivek with an intention to kill whereas Mammu having a brick bat hit Ram Sarup therewith on his right knee joint and then all the assailants with intention to kill the complainant and his family members etc., broke down the gate of their house; when several other people started assembling at the spot, then the assailants ran away therefrom along with their respective weapons; the motive for the incident was that litigation has been pending between the complainant and accused side with regard to some domestic issue in Court at Balachaur and on account of that, accused along with their accomplices had trespassed in the house of complainant and caused injuries to Vivek and Ram Sarup; on matter being reported to the police, formal FIR was recorded.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions at SBS Nagar, by moving an application for grant of pre-arrest bail but was unsuccessful. As such, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that a false

FIR has been lodged by the complainant on account of pendency of civil litigation between the parties; in any case, in terms of order dated 17.02.2020, passed by this Court, the petitioner has joined the investigation and rendered full cooperation with the investigating agency; all the injuries suffered by the victims are simple in nature, as such, the interim bail granted to petitioner, vide order dated 17.02.2020 be made absolute.

Learned State counsel on instructions from ASI Gurbaksh Singh has admitted the factum of petitioner having joined the investigation, further stating that injuries on the person of both the injured have been declared to be simple by the doctors who had examined them. On being asked, Ld. State counsel has stated that recovery of the weapons used in the incident has been effected, therefore, custodial interrogation of the petitioner is not required.

In view of the detailed discussion above and in the light of submissions made by learned counsel for the petitioner and learned State counsel, the interim bail granted to the petitioner, vide order dated 17.02.2020 is made absolute, subject to the following conditions:-

1. that the petitioner shall make himself available for investigation by a police officer as and when required;
2. that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
3. that he shall not leave India without prior permission of the Court.

4. that he shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violates any terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

Accordingly, the present petition is allowed.

13.07.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No