

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(236)

CRM-M-9417-2020

Date of decision:- 13.09.2021

Sonu Kumar and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Chandan Singh Rana, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.10 dated 06.01.2020 under Sections 308, 323, 506, 341, 148 and 149 of the Indian Penal Code, 1860, at Police Station Division No.7, District Ludhiana.

Counsel for the petitioners has submitted that FIR has been registered on the statement of Ramesh Kumar on the allegation that on 29.12.2019, when he along with his wife were going to meet his mother, Omi @ Om Parkash, Kamaljeet son of Omi @ Om Parkash, Billu Ram, Monchi @ Monu, Gudo, Santosh and Charanjit, encircled them and physically assaulted them. On hearing the commotion, some relatives came at the spot, who were also assaulted. Omi @ Om Parkash, who was holding a wooden stick, gave a blow on the right side of his head. Due to serious

injuries, he was initially taken to Civil Hospital, Ludhiana and was eventually referred to the PGI, Chandigarh. The motive behind the attack was that the accused, who were the relatives of his sister-in-law, were claiming a share in the property and litigation between them was pending. Counsel for the petitioner has referred to affidavit dated 08.10.2020 of Assistant Sub Inspector, Police Station-Division No.7, Ludhiana, which has been filed before this Court in CRM-M-30018-2020 preferred by co-accused, Omi @ Om Parkash, wherein it has been stated as under:-

“3. That in compliance to the said order of this Hon'ble Court, it is respectfully submitted that initially injure(d)/complainant Ramesh Kumar got himself medically examined from Civil Hospital, Ludhiana in which total three injuries i.e. one at forehead, one at left cheek and one at left eye. Thereafter, the complainant got his treatment from Arora Neuro Centre, Ludhiana in which the doctor declared injury no.1 on the forehead of the complainant as “grievous” and further mentioned “placed fracture of (L) parietal bone”. Accordingly, FIR No.10 dated 06.01.2020, u/s 308, 323, 506, 341, 148, 149 IPC, P.S.Division No.7, Ludhiana was registered against the present petitioner and seven other accused.

4. That, however, during the further investigation, it was revealed that the said injury was not dangerous to life, therefore, offence u/s 308 IPC is not made out and commission of offence u/s 325 IPC is made out.

Accordingly, offence u/s 308 IPC has been removed and offence u/s 325 IPC has been added on 03.10.2020. Thus, all the offences in the said FIR are bailable.”

Counsel urges that offence attracting Section 325, IPC is attributed to Omi @ Om Parkash and interim protection granted to him has been made absolute on 26.11.2020. He submits that the petitioners were granted interim protection by this Court vide order dated 03.03.2020, they have joined and co-operated with the investigation.

Upon instructions, from ASI Pavittar Singh, State counsel submits that the petitioners have joined the investigation, challan has been presented and they are not longer required for custodial interrogation. He has further instructions to state that the petitioners are not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 03.03.2020 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

13.09.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No