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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 27.09.2021

1. CRM-M-32775-2021 (O&M)

Baljit Singh

.. Petitioner

Vs.

State of Punjab and another

..Respondents

AND

2. CRM-M-35140-2021 (O&M)

Paramjit Singh

.. Petitioner

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashish Pal Kaushal, Advocate for the petitioner(s).

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Aditya Partap Singh, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed these separate petitions under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.181 dated 10.07.2021 registered under Sections 307/379-B/325/341/506/148/149 IPC at Police Station Division No.6, Ludhiana, District Ludhiana, who apprehend their arrest at the hands of police in the above FIR.

The FIR was registered on the statement of complainant Lakhvir Singh on the ground that on 07.07.2021 at around 6:30 A.M., when he was going back home after supplying milk, near Tilak Raj grocery shop, one Swift Dzire car bearing No. PB31N4695, driven by Baljit Singh s/o late Joginder Singh (petitioner), who is neighbourer of Jaspal Singh (brother-in-law of complainant), stopped his car in front of complainant's

auto. Paramjit Singh s/o Joginder Singh (petitioner in CRM-M-35140-2021), Vishu and Kamljeet Singh @ Kamal were sitting inside the car along with Baljit Singh. They forcibly pulled complainant out of the auto and Harpreet Singh @ Dimpy gave a baseball bat blow on complainant's arms. Kamaljeet Singh and Vishnu also started hitting upon his legs and arms with baseball bat and Kamaljeet Singh had broken the glass of his auto with the baseball bat. In the meantime, complainant raised hue and the said accused ran away from the spot along with their weapons.

Learned counsel for the petitioners has argued that as per prosecution, petitioner (Baljit Singh) was driving the vehicle, wherein other assailants were sitting and had caused injuries to the complainant, namely, Lakhvir Singh. He submits that the other petitioner, namely, Paramjit Singh (brother of Baljit Singh) has also not been attributed any role, who was sitting on the rear seat of the said vehicle. According to him, the petitioners have been falsely implicated, as Baljit Singh is having a matrimonial dispute with his wife, namely, Jaspreet Kaur (sister-in-law of complainant). He submits that Jaspreet Kaur was already married and after divorce from her husband, she solemnized marriage with Baljit Singh on 15.04.2019 and she had given a false complaint against her husband (Baljit Singh), but after inquiry, nothing was found against him. In this regard, he has invited the attention of the Court to the report (Annexure P-7). Learned counsel has further argued that prior to this occurrence, the petitioner Baljit Singh had suffered severe injuries and was operated upon and iron rod was inserted in his legs and as he even cannot walk properly, therefore, the complainant has falsely shown him as a driver of the vehicle. He prays that as the petitioners are willing to join the investigation, they be released on anticipatory bail.

The prayer is opposed by learned State counsel assisted by ASI Sukhwinder Singh as well as the learned counsel for the complainant on the ground that the dispute between the husband and wife can be a motive to cause injuries to the complainant Lakhvir Singh. It has been argued that the complainant has specifically named the petitioners in the FIR and in the said occurrence, the injured complainant suffered six injuries including fractures of his both arms. He has pointed out that the alleged surgery of the petitioner (Baljit Singh) is almost ten months old from the present occurrence, therefore, the said ground raised by petitioner Baljit Singh has no relevance. According to the learned State counsel, the custodial interrogation of the petitioners is necessary.

After hearing the learned counsel for the parties and considering the above background, this Court finds that as per allegation in the FIR, the petitioner was driving the vehicle, wherein other assailants came and caused serious injuries upon the complainant. Merely because the petitioner Baljit Singh is having matrimonial dispute with his wife Jaspreet Kaur, it cannot be accepted that the complainant has falsely implicated the petitioner. The other ground that the petitioner (Baljit Singh) was operated upon in November, 2020, therefore, being unable to walk could not drive the vehicle is also not worth acceptance, as the said occurrence took place ten months prior to the present occurrence. The photographs and the other material relating to the previous occurrence has no concern with the present complaint, therefore, considering the seriousness of the offences, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioners, as *prima facie* their custodial interrogation seems to be necessary for effective investigation of the case.

Consequently both the petitions are dismissed.

27.09.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No