

106

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

CRM-M-33730-2021

Date of Decision: 19.08.2021

**Lovedeep Handa****.. Petitioner****Vs.****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Kamal Narula, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Manjinder Singh Saini, Advocate  
for the complainant.

...

**Manoj Bajaj, J. (Oral)**

Petitioner has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.62 dated 07.07.2021 under Sections 452/324/323/336/148/149 IPC and Sections 25/27 Arms Act, 1959 (Section 326 IPC added later on), registered at Police Station Mamdot, District Ferozepur (Annexure P-1). He apprehended his arrest at the hands of Police in the above said FIR.

The FIR was registered on the basis of complaint given by Veerta Dhawan and the allegations as noticed by the Addl. Sessions Judge, Ferozepur in the order dated 22.07.2021 are as under:

*“The present FIR has been lodged on the basis of the complaint filed by the complainant Veerta Dhawan wife of applicant/accused Lovedeep Handa with the allegations that the complainant is having matrimonial dispute with her husband and she lodged the FIR No.45 dated 23.05.2021 under Sections 498-A/406/506 of IPC against her in laws and husband at PS Mamdot. It is further alleged that on 7.7.2021 at about 4:30 pm about 10 people came into two cars consisting of non applicant Lovedeep Handa armed with kirpan, Joginder Handa empty handed, Mintu Bhandari armed*

*with sotti, Abhi Handa armed with rod, Sukhdev Dhawan armed with baseball, Balwinder Dhawan armed with revolver, Preet Bedi armed with baseball, Mani Bedi armed with revolver, Bhinder Maghu empty handed came and entered the house of complainant. Joginderpal Handa raised lalkara for teaching a lesson for having lodged FIR against them and thereupon Dharminder Singh alias Mintu Bhandari gave soti blows on left arm of complainant then Preet Bedi gave baseball blow on the right arm of complainant, then Sukhdev Dhawan is alleged to have given baseball blow on the right side neck of complainant. Joginderpal is alleged to have picked up stone lying in the house and thrown towards the complainant which hit on the left side of the neck of complainant. Lovedeep Handa is alleged to have given kirpan blow on the left hand of complainant. Brother of the complainant tried to rescue her, then Mintu Bhandari gave a soti blow on his right arm. Sukhdev Dhawan also gave a baseball blow on the brother of the complainant hitting his right arm. Pinder Singh alias Bhinder Maghu picked up a iron sabal (rod) lying in the house and gave blow on back of the right arm of brother of complainant whereas Joginderpal and Abhi Handa caught hold the brother of complainant from his legs and dragged him on the floor. Joginderpal pushed the complainant to ground and all accused misbehaved and abused father of complainant who came to the spot alongwith Daljit Singh MC of the area. It is further alleged that while going back, Mani Bedi fired towards the house of the complainant with his revolver. The FIR in this case was lodged on 7.7.2017 .”*

Learned counsel for the petitioner has argued that on account of matrimonial dispute, his wife Veerta Dhawan initially lodged FIR No.45 dated 22.05.2021, under Sections 498-A, 406 and 506 IPC, and subsequently, falsely implicated the petitioner in the present FIR. He submits that the alleged occurrence took place on 04.07.2021, whereas the FIR has been lodged after a long delay of three days i.e. on 07.07.2021. He submits that in the given facts, the custodial interrogation of the petitioner may not be necessary and prays for anticipatory bail.

The prayer is opposed by learned counsel for the complainant, who has argued that when the petitioner was granted interim pre arrest bail

in case FIR No.45 dated 22.05.2021 passed by the Id. Addl. Sessions Judge, Fast Track, Ferozepur vide order dated 09.07.2021, he committed the present crime and his anticipatory bail in case FIR No. 45 dated 22.05.2021 was also dismissed by Addl. Sessions Judge vide order dated 22.07.2021. He submits that his petition bearing CRM-M-32704 of 2021 seeking anticipatory bail in FIR No.45 dated 22.05.2021 has also been dismissed by this Court vide order dated 13.08.2021. He has produced the copy of the said order. According to him, the petitioner misused the concession of interim pre arrest bail and committed another crime against his wife and fired gunshots at her and caused serious injuries on her left palm with kirpan blow. He prays that the petition be dismissed.

Learned State counsel, on instructions from ASI Ajmer Singh, has also opposed the prayer, who submitted that the petitioner was armed with a firearm weapon and the empty cartridges were also recovered from the place of occurrence, therefore, the petitioner does not deserve the concession of pre arrest bail.

After hearing the learned counsel for the parties, this Court is of the opinion that as per prosecution, the petitioner who was already an accused in case FIR No.45 dated 22.05.2021 for committing cruelty etc., upon his wife, forced her to compromise the matter and when his wife refused, he retaliated in violent manner, thereby causing grievous injuries upon her.

Consequently, this Court does not find any merit in the argument that the FIR was lodged after a delay of three days, as his wife, who was injured in the second occurrence, required medical treatment.

Thus, considering the nature of the offences, but without expressing any

opinion on merits of case, this Court does not find it to be a fit case of extra ordinary concession of pre arrest bail to the petitioner.

Dismissed.

19.08.2021  
*Jasmine Kaur*

(MANOJ BAJAJ)  
JUDGE

|                           |     |    |
|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |