

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42680-2021 (O&M)
Date of Decision:-26.10.2021

Mantu Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Baljinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0083 dated 15.5.2021 at Police Station Bagha Purana, District Moga under Sections 324, 323, 148, 149 of Indian Penal Code, wherein offence under Sections 326 IPC was added later on.
2. The FIR in question was lodged at the instance of Harpreet Singh, wherein it is alleged that his brother Lakhwinder Singh had solemnized court marriage on 5.2.2021 with Harvinder Kaur. However, after one month of the marriage, the relations between Lakhwinder Singh and his wife Harvinder Kaur became strained and said Harvinder Kaur submitted a complaint against Lakhwinder Singh and other members of complainant's family in Women

Cell which was being inquired into by the Women Cell at Bagha Purana. It is alleged that on 12.5.2021 at about 9:30 p.m. when the complainant and other members of his family were having dinner inside their house, then Mintu Singh (petitioner) armed with a sword, Kuldeep Singh son of Kulwant Singh armed with baseball bat, Kuldeep son of Pargat Singh armed with '*khanda*', Gurpreet Singh armed with a '*gandasi*'. Akashdeep Singh armed with sword, Amandeep Singh carrying a brick accompanied by 8/10 other persons entered their house. It is alleged that the petitioner Mintu gave a blow with sword to Gurwinder Singh hitting him on his left hand. When Manrpreet Singh came forward to rescue him, then Kuldeep Singh son of Pargat Singh gave a blow with '*khanda*' hitting him on the left side of his head. Amandeep Singh is alleged to have given a blow with brick to Gurwinder Singh on his face. When the complainant tried to rescue them, Akashdeep Singh gave six consecutive blows with sword hitting him on his right hand, left hand and on his back. It is further alleged that when Lakhwinder Singh came forward, then Amandeep Singh gave a blow with brick on his head.

3. Learned counsel for the petitioner submits that the matter infact arises out of a matrimonial discord between the petitioner's sister Harvinder Kaur and Lakhwinder Singh (brother of the complainant) and that a false case has been instituted to pressurize the petitioner and other members of his family. Learned counsel has further submitted that infact the genesis of occurrence has been suppressed inasmuch as even the petitioner had sustained a large number of injuries regarding which there is no reference or explanation in the FIR.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is also attributed a blow with

‘*kirpan*’ on the left hand of Gurwinder Singh and it is the said injury, which has been declared as grievous, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that even the petitioner has sustained as many as 9 injuries.

5. I have considered rival submissions addressed before this Court.
6. The FIR itself suggests that the sister of petitioner had been married to brother of the complainant. The FIR also shows that the petitioner alongwith other co-accused are alleged to have entered into the house of complainant and are said to have caused injuries. However, a perusal of a copy of the MLR of the petitioner furnished by learned counsel for the petitioner shows that the petitioner Mintu has sustained as many as 9 injuries, which have been described in the MLR as follows:

Sr. No.	Injuries	Marked	Injury Number
1	Abrasion over right forearm approx meas 5cm long approx 5cm above right wrist joint	Yes	4
2	Diffuse pain over head i.e. dull adv x ray skull	Yes	8
3	Abrasion over left eye approx mess 3cm long	Yes	1
4	Swelling over left orbital region bruise tnt adv x ray facial bones	Yes	2
5	Abrasion over left arm approx meas long just above left elbow	Yes	3
6	Abrasion over right forearm inner surfact just below 10cm right elbow joint adv x ray right forearm	Yes	5
7	Incised wound over 3 rd finger of right foot	Yes	6
8	Abrasion over left side of lower chest adv x ray throxy	Yes	7
9	Abrasion over left arm approx mess 3cm x 2cm	Yes	9

7. There is no explanation as regards the aforesaid injuries sustained by the petitioner, which include incised injury as well. In these circumstances, it will certainly be debatable as to which of the party is the aggressor and it is apparent that the genesis of occurrence has been suppressed. In these circumstances, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

26.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No