

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-54-2021****Date of Decision: 14.01.2021**

Kulwant Singh @ Kanti & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gurnam Singh Nagra, Advocate, for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Balwinder Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0137 dated 29.11.2020 at Police Station City Nakodar, District Jalandhar Rural, under Sections 452, 325, 323, 506, 34 IPC.
2. The FIR was lodged at the instance of Varinder Singh, wherein it has been alleged that his marriage was solemnized with Manjit Kaur daughter of Kulwant Singh. It is alleged that somehow there use to be frequent quarrels between him and his wife Manjit Kaur and that on 20.11.2020 at about 5.30 PM, when he returned back home from fields and asked for food from his wife, she threw 'Tawa' towards the animals and a fight ensued amongst them. It is alleged that thereafter the complainant's wife called her parents telephonically and shortly thereafter complainant's father-in-law Kulwant Singh and his brother-in-law Ginda, who were both

carrying iron rods as well as his mother-in-law Darshan Kaur came there. It is alleged that Ginda raised a *lalkara* saying that he would teach a lesson to the complainant for harassing his sister. It is alleged that Ginda gave a blow with iron rod on the forehead of the complainant and thereafter the complainant's father-in-law Kulwant Singh gave a blow with iron rod on the back of complainant's head.

3. Learned counsel for the petitioners has submitted that they have falsely been implicated in the instant case on account of some matrimonial discord amongst the complainant and his wife and that in any case at best it is a case falling under Section 325 IPC, wherein one 'grievous' injury with a blunt weapon is attributed to petitioner No.2 and petitioner No.1 is attributed a simple injury. It has further been submitted that Section 452 IPC in any case would not be attracted, as the petitioners have entered the house of their daughter/sister. It has also been submitted that the trial Court was mainly influenced upon production of some photographs and that in these circumstances, the petitioners deserve the concession of bail.
4. Opposing the petition, learned State counsel has submitted that a perusal of the FIR would show that no attempt whatsoever of any exaggeration has been made therein and neither a large number of persons from the petitioners' family have been arrayed as accused nor a large number of injuries have been attributed and it is a case where two specific injuries to two specific accused have been alleged and which are duly substantiated from the medical

evidence, which clearly shows that the complainant has sustained two injuries i.e. one on his forehead and one on the back of his head. It has further been submitted that the injury on the forehead has been declared as 'grievous' injury.

5. I have considered rival submissions addressed before this Court.
6. The allegations as regards causing of injuries are prima facie substantiated from the medical evidence. The contention on behalf of the petitioners that no offence under Section 452 IPC would be made out cannot be accepted at this stage since the petitioners had entered the house of the complainant as assailants and were not welcome guests at that point of time.
7. Having regard to the nature of allegations, this Court does not find any special ground for grant of anticipatory bail to the petitioners. The petition is sans merit and is hereby dismissed.

14.01.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No