

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

**Sr.No.202**

**Date of Decision:10.09.2021**

**1. CRM-M No.55558 of 2019**

|                 |        |               |
|-----------------|--------|---------------|
| Kaka Singh      | Versus | ...Petitioner |
| State of Punjab |        | ...Respondent |

**2. CRM-M No.55559 of 2019**

|                   |        |               |
|-------------------|--------|---------------|
| Rupinderjeet Kaur | Versus | ...Petitioner |
| State of Punjab   |        | ...Respondent |

**3. CRM-M No.726 of 2020(O&M)**

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|-----------------|--------|---------------|
| Inderjit Singh  | Versus | ...Petitioner |
| State of Punjab |        | ...Respondent |

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Ms. Amrinder Kaur, Advocate  
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

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**RAJ MOHAN SINGH, J. (ORAL)**

1. Vide this common order CRM-M No.55558 of 2019 titled Kaka Singh Vs. State of Punjab, CRM-M No.55559 of 2019 titled Rupinderjit Kaur Vs. State of Punjab and CRM-M No.726 of 2020(O&M) titled Inderjit Singh Vs. State of Punjab, are being disposed of.
2. CRM-M No.55558 of 2019 has been preferred by Kaka Singh, CRM-M No.55559 of 2019 has been preferred by

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Rupinderjit Kaur and CRM-M No.726 of 2020(O&M) has been preferred by Inderjit Singh for grant of anticipatory bail under Section 438 Cr.P.C in the case bearing the FIR No.0244 dated 09.12.2019, registered under Sections 452, 323 and 34 IPC, at Police Station Dhanaula, District Barnala.

3. Since all the criminal miscellaneous petitions have arisen from one FIR, therefore, common facts are being noticed.

4. Learned counsel for the petitioner contends that there is a matrimonial dispute between Kaka Singh and his wife Smt. Gurmel Kaur. Kaka Singh is owner of the house in question. All the offences except offence under 452 of IPC are bailable in nature in the present FIR. The FIR was lodged by the wife of petitioner Kaka Singh with the allegations that the complainant is living separately with her children. Respectables and Panchayat of the village had given 2.75 acres of land out of 21 acres belonging to her father-in-law for livelihood of the complainant and her children. Remaining land is being cultivated by sister-in-law of the complainant as they got the same transferred in their names. Sister-in-law and her son Inderjit Singh were after the son of the complainant and they used to make her son leave from the fields and he was not permitted to work there and it was on 08.12.2009, the complainant was sitting near the verandah of her house and her son Rajwinder Singh was sitting near her on the cot. The sister-in-law namely Rupinderjit Kaur, son of Balvir Kaur namely Inderjit Singh and husband of the complainant Kaka Singh entered in the house of the complainant. Kaka Singh said that the complainant and her son should be taught a lesson. Upon which Rupinderjit Kaur

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gave a danda blow on the back of the complainant. Inderjit Singh gave a kick blow on the abdomen of the complainant. The complainant and her daughter-in-law started shouting and many persons gathered on the spot. The complainant was pulled by her hairs and was thrown in the verandah and thereafter, they ran away. The son of the complainant Rajwinder Singh consumed some spray on account of their threat and he was admitted at Sangrur for treatment and the complainant was also admitted at Civil Hospital, Dhanaula. With this background, FIR came to be registered.

5. Learned counsel for the petitioner submits that no injury has been attributed to Kaka Singh. Injuries attributed to co-accused Rupinderjit Kaur i.e. sister-in-law of the complainant is also simple in nature. Accused Rupinderjit Kaur has not participated in the occurrence and the alleged injury attributed to her is also simple in nature. Injury attributed to Inderjit Singh is also simple in nature. The entry of the assailants in the house would be debatable in the context of attracting offence under Section 452 IPC. According to learned counsel for the petitioner, house belongs to Kaka Singh. Keeping in view the inter se relationship between the parties, a petition bearing CRM-M-36385-2020 for quashing of FIR on the basis of amicable settlement is pending in this Court.

6. Learned State counsel on instructions from ASI Balkar Singh admits the aforesaid fact and submits that the petitioners have joined the investigation on 12.02.2020 and they are no more required for further investigation in the case.

7. In view of aforesaid factual position, the interim orders dated 07.01.2020 and 10.01.2020 are made absolute.

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Petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C :-

1. They shall make themselves available for interrogation by a police officer as and when required;
  2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and
  3. They shall not leave India without prior permission of the Court.
8. Petitions stand disposed of.

**(RAJ MOHAN SINGH)**  
**JUDGE**

**10.09.2021**  
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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |