206/1 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-3607-2022
Date of Decision: 27.04.2022

DHARAM SINGH AND ANOTHER **... PETITIONERS**

V/S

STATE OF PUNJAB **... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gaurav Partap S. Pathania, Advocate
for the petitioners.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. Sunil Mallan, Advocate, for the complainant.
* * *

VIVEK PURI, J. (ORAL)

On 01.02.2022, following order was passed:

" Petitioners-Dharam Singh and Abhishek Salaria @ Chetu are seeking anticipatory bail in case bearing FIR No. 3 dated 11.01.2022 under Sections 452, 354, 323, 148 and 149 IPC registered at Police Station Sadar, District Pathankot.

Briefly, the aforesaid FIR has been registered on the basis of statement of the complainant alleging that on 01.01.2022 at about 3:30 P.M., the petitioner alongwith the co-accused entered the house, inflicted injuries upon her family members and the shirt of her daughter was torn off.

Learned counsel for the petitioner contends that there is a delay of 10 days in lodging the FIR, there was a dispute with regard to the partition, it becomes debatable as to whether the offence under Section 452 IPC is made out or not, the opinion with regard to the injury on the person of Raghuvir Singh has not yet been procured and allegation with regard to outraging the modesty of the daughter of the complainant has not been levelled against the petitioners.

Notice of motion.

Mr. C.L.Pawar, Sr. Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State and Mr. Sunil Mallan, Advocate, also accepts notice on behalf of the complainant.

Adjourned to 27.04.2022.

In the meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure."

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Learned counsel for the petitioners contend that the petitioners have joined the investigation in pursuance of the interim direction issued by this Court.

Learned State counsel, on instructions of ASI Rattan Lal, has stated that the petitioners have joined the investigation but recovery of *danda* is yet to be effected.

Learned counsel appearing for the complainant has stated that after committing trespass in the house of the complainant, the injuries were inflicted, even tooth of Raghuvir Singh was broken and clothes of the daughter of the complainant were torn.

It is significant to note that offence under Section 325 IPC has not been added in the instant case and the injuries as mentioned in this case are under Section 323 IPC. The petitioners have joined the investigation in pursuance of the interim directions issued by this Court.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrrest bail to the petitioners. The order dated 01.02.2022 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

27.04.2022
Janki

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

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