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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-6140-2022 (O&M)
Date of Decision:14.02.2022

Lovekaran Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.142 dated 28.11.2021, registered under Sections 324/326/452/34 IPC, 1860 at Police Station Jhabal, Tarn Taran. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

The FIR was registered on the statement of Dalip Singh and the allegations as noticed by the Id. Sessions Judge, Tarn Taran in the order dated 11.01.2022 are as under:

“Applicant-accused, alongwith two unknown persons, has been booked in the present FIR on the basis of statement of Dalip Singh, son of Santa Singh, R/o Patti Keron Ki, Jhabal, aged about 77 years, recorded on 28.11.2021 to the effect that complainant is labourer. Marriage of grand son of complainant, namely, Manpreet Singh was solemnized with Shabnampreet Kaur, daughter of Mangal Singh on 05.04.2021. After the marriage, there arose discord between the couple, leading to frequent quarrels between them. On 24.09.2021 at about 05:00 AM, Lovekaran Singh i.e. brother in law of Manpreet Singh alongwith two unidentified persons, knocked the door of the house of complainant, while the entire family of complainant was sleeping. As complainant opened the door of his house, Lovekaran Singh, armed with datar, and two unidentified persons, armed with dang and baseball bat, forcibly entered the house of complainant, daring Manpreet

Singh to come out and that they shall finish him. When complainant came forward to stop Lovekaran Singh, Lovekaran Singh gave datar blow on the left arm of complainant and the unidentified persons gave baseball bat and dang blows on the back of complainant. As complainant raised roula, family members of the complainant woke up and the neighbours also gathered at the spot on seeing whom the assailants ran away from the spot with their respective weapons....”

Learned counsel for the petitioner has argued that the complainant is grandfather of Manpreet Singh (husband of petitioner's sister, namely, Shabnampreet Kaur) and because of their matrimonial dispute, he has falsely implicated the petitioner in the above FIR. The alleged occurrence took place on 24.09.2021 and the FIR was registered after a long delay on November, 2021. According to him, as per allegations, the petitioner, who was armed with sickle caused grievous injury on the left arm of the complainant and in respect of the said injury, he has invited the observation of the doctor contained in the MLR, who stated that if the injury was caused by scuffle or otherwise would be matter of investigation. He submits that there is no other eye-witness of the alleged occurrence, therefore, the petitioner be extended the concession of anticipatory bail.

After hearing the learned counsel for the petitioner, this Court finds that as per complainant, the petitioner was armed with a sharp edged weapon, who entered his house at 5:00 a.m. in the morning and despite resistance by complainant, he turned aggressive and caused injuries upon him. As per MLR, the injury suffered by complainant on the left arm is grievous in nature.

During the course of hearing, it is not disputed by learned counsel that the age of the complainant is 77 years and the argument that there is no other eye-witness of this occurrence, is not to be entertained at

this stage, as the petitioner is yet to associate with the investigation. As per the contents of the FIR, when the complainant raised alarm, the neighbours had also arrived at the spot.

Considering the nature of offence and the fact that the other two companions, who were not named in the FIR, are yet to be identified, therefore, the custodial interrogation of the petitioner may be necessary to unravel the truth.

Dismissed.

14.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No