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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10877-2022 (O&M)

Date of Decision:15.03.2022

Baj Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. O.P. Kamboj, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in cross case bearing General Diary No.44 dated 07.07.2021 under Sections 324, 148 and 149 IPC (Section 326 IPC added later on), at Police Station Mallanwala in FIR No.63 dated 07.07.2021 registered under Sections 324, 323, 148, 149 IPC (Section 326 IPC added later on) at Police Station Mallanwala, who apprehends his arrest at the hands of Police.

The allegations as noticed by the Id. Addl. Sessions Judge, Ferozepur in the order dated 10.02.2022 are as under:

“.....a cross version case has been registered vide Rapat No.44 dated 07.07.2021 under Sections 324, 148 and 149 IPC against the present accused/applicants and three unknown persons on the statement of Maya (accused in the main FIR). Further submits that as per complainant of the cross version case, namely, Maya, her husband Raju is having dispute regarding partition of property with his brother Baj Singh (applicant/accused), regarding which Baj Singh has filed civil suit in the Court. Further submits that as per complainant Maya, on 01.07.2021 at about 7:00 p.m., when she along with her husband Raju and sisters-in-law (wives of husband's brothers) Sukhwinder Kaur and Sukhchain were planting paddy in their fields, then accused Baj Singh loaded with kirpan, Lovkesh Singh loaded with Gandasi, Beero empty

handed along with three unknown persons loaded with baseball bats came there. Further submits that Baj Singh raised Lalkara, whereupon Lovekesh gave Gandasi blow which hit on the right biceps of the complainant Maya, as a result of which she fell down and while she was lying down, accused Baj Singh gave kirpan blow on her left leg below knee. Further submits that the said accused persons entered into scuffle with the complainant and when her husband came forward to rescue her, the accused/applicant No.3 Beero caught her beard and thereafter, on raising hue and cry, all the accused persons fled away from the spot....”

Learned counsel has argued that the wife of the petitioner, namely, Beero suffered injuries on 01.07.2021 and on her statement, a case FIR No. 63 dated 07.07.2021, under Sections 324, 323, 148, 149 IPC (Section 326 IPC added later on) at Police Station Mallanwala was registered against petitioner's brother and others. He submits that since the petitioner has filed a suit against his brother for partition of the property, the brother resorted to violence and caused injuries, who has also falsely implicated the petitioner in a cross case registered through DDR No.22 dated 29.07.2021. He submits that the wife of the petitioner (Beero) suffered grievous injuries and in this regard he has invited the attention of the Court to the MLR (Annexure P-5). He submits that it is the other side, which attacked upon the petitioner and in order to defend themselves, injuries were suffered by Maaya wife of Raju. He prays for anticipatory bail.

During the course of hearing, it is not disputed by the learned counsel that in the alleged occurrence, only the respective wives of the brothers have suffered injuries and no one else was injured. The cross version recorded on the statement of Maaya reveals that specific allegations have been made against the petitioner, who was armed with sword and had caused injuries upon the complainant. It is also not disputed by him that the

whereupon, Section 326 IPC was also added on 29.07.2021. Thus, considering the nature of offence as well as the injuries suffered by the victim, this Court does not find it to be a fit case for extending the concession of pre arrest bail to the petitioner and his custodial interrogation may be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is dismissed.

15.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No