

102

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

CRM-M-21986-2022

Date of decision : 20.05.2022

Sukhrajwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.S. Nagra, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.251 dated 17.10.2020 registered under Sections 323, 452, 427, 148, 149 of the Indian Penal Code, 1860 (Section 325 of IPC has been added later on) at Police Station Sadar Jalandhar, District Jalandhar.

Learned counsel for the petitioner has submitted that as per the FIR, neither any specific injury has been attributed to the petitioner nor he is stated to be armed with any weapon and the allegations levelled with respect to injuries caused are primarily against Lakhwinder Kaur @ Lakho, who has already been granted the concession of anticipatory bail by the Coordinate Bench of this Court vide order dated 20.08.2021 passed in CRM-M-18419-

2021. It is further submitted that the present case is a case of version and cross-version and in cross-version, Arshdeep who belongs to petitioner's party has himself suffered two injuries. It is further contended that even the injury which has been attributed to the co-accused attract Sections 323 and 325 of IPC. It is further argued that the petitioner is not involved in any other case and is ready to join the investigation.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and submitted that although, there is no specific allegation or injury attributed to the petitioner but the petitioner alongwith other persons have stated to have broken the house of the complainant.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument, has submitted in fact, the said house is the ancestral house and there has been no partition and thus, even Section 452 of IPC is not prima facie attracted.

This Court has heard the learned counsel for the parties and has perused the paper book.

It is not in dispute that neither any specific injury has been attributed to the petitioner, nor he is stated to be carrying any weapon. The present case is a case of version and cross-version and as per cross-version, Arshdeep, who is a relative of the petitioner, has also suffered injuries. The allegations with respect to causing injuries to the complainant party are against Lakhwinder Kaur @ Lakho who has already been granted the

concession of anticipatory bail by the Coordinate Bench of this Court vide order dated 20.08.2021 passed in CRM-M-18419-2021. The question as to whether Section 452 of IPC would be attracted in the present case or not would be a matter of debate during the course of trial inasmuch as, as per the case of the petitioner, the property was ancestral in nature. The petitioner is stated to be not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

20.05.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**