

CRM-M-51643-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-51643-2021  
Reserved on: 18.01.2022  
Date of Pronouncement:01.02.2022

Tarlok Singh @ Koka ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Deepak Arora, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                      | Sections           |
|---------|------------|-------------------------------------|--------------------|
| 117     | 04.09.2021 | Sadar Pathankot, District Pathankot | 307, 341 & 324 IPC |

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. In Para 14 of the bail petition, the petitioner declares no criminal history.
3. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family. Ld. Counsel raised the following points:
- (i) The incident took place at spur of the moment;
  - (ii) there was no motive;
  - (iii) injury allegedly inflicted on the head was not intended;
  - (iv) the injured has been discharged from hospital;
  - (v) unnecessary detention would serve no other purpose;
  - (vi) the Court may put any condition including staying away from the place of residence of the victim;
  - (vii) it was a family dispute and
  - (viii) there is no criminal history.

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4. The contention on behalf of the State is that the repeated blows were inflicted with dattar on the injured and injuries were serious in nature.

REASONING:

5. State has filed the reply in which the facts of the case have been mentioned, which are as follows:-

*.....“the brief facts of the case are that the Kashmir Singh son of Dharam Singh, resident of Nala, Police Station Sadar, Pathankot got recorded his statement to ASI Arun Kumar of Police Post Ghrota that on 03.09.2021 at 5 pm, he was going for his some personal work on his scooty bearing No.PB-06-BA-0577 and was coming towards village Najo Chak and near School Najo Chak his son Navjinder Singh was coming from Pathankot side in the tractor trolley who met him on the way and thereafter, he started proceeded ahead of him on his tractor trolley while proceeding towards the brick kiln and he was following him on the scooty as mentioned above. When his son Navjinder Singh along with his tractor trolley was just at a distance of the main road from village Najo Chak then it was about 05:15 pm that his real nephew Tarlok Singh @ Koka (petitioner) came from the Ajitpur side on his scooty bearing No.PB-06-AF-5291 (T) and the aforesaid scooty bearing Mark Mestro was parked by him in front of the tractor trolley while stopping the same and thereafter, aforesaid Tarlok Singh @ Koka (petitioner) picked up the dattar which he had kept in his legs on the aforesaid scooty and just in front of his eyes he gave the blow with the dattar with its sharp side on his son with an intention to kill him on his head which hit him on the left side of his head and then his son in order to save himself after coming down from the tractor stated running towards the fields. Thereafter, the petitioner while running and following him gave two blows with the sharp side of the dattar and the first blow had struck him on the right knee and the second blow had struck upon the left ankle and on account of the aforesaid sharp injuries his son fell down in the fields where wheat crop was grown along with the road side, thereafter, he after parking his scooty raised raula and his son also raised raula “Maar Ditta Maar Ditta” and thereafter, the petitioner while he coming towards him ran away from the spot on his scooty along with dattar.”*

6. Para Nos.6 & 7 of the bail petition reveal stand taken by the accused which is to the following effect:-

*...“6. That the aforesaid story as projected by the complainant is false and fabricated rather the true facts have been concealed in the aforesaid FIR. The actual and true facts are that petitioner had got the marriage with Nisha Devi which marriage had taken place about 6-7 years back and had been peacefully residing along with his wife after the aforesaid marriage. The complainant Kashmir Singh is the paternal uncle of the petitioner and Navjinder Singh (injured victim) is the real cousin of the petitioner. Due to the aforesaid relationship the parties were on visiting terms, however, aforesaid NAvjinder Singh was having an evil eye over the wife of the petitioner and in the absence of the petitioner was teasing and harassing her and wife of the*

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*petitioner disclosed all the facts to the notice of her husband i.e. petitioner and on account of the aforesaid facts, petitioner called his uncle to sort out the issue. The petitioner was thereafter, called by his uncle at the respective place and instead of sorting issue aforesaid son of the complainant came at that very place and started abusing the petitioner and used derogatory language against the petitioner as well as his wife.*

*7. That allegations as mentioned under the FIR have been twisted and manipulated that the complainant's son used to make the petitioner understand that he had brought disrepute to the Rajput Community while marrying with some of their relation which marriage had taken place 6 years back and therefore, this is a concocted version just to design as the aforesaid true facts regarding the complainant's son harassing, victimizing and teasing the wife of the petitioner behind his back; which facts have been suppressed from the investigating agency. On the aforesaid natural considerations, it was imperative to sort out the matter since both of the parties were in relation with each other and it was then that when the aforesaid meeting was called upon that the aforesaid complainant's son started scuffle."*

7. Analysis of the entire allegations and counter allegations do point out to one thing that the petitioner gave repeated blows upon the injured with datar. It was the timely intervention of the complainant and the hospitalization which probably saved his life. Even if the stand taken by the accused is believed still he had no business and authority to take law in his own hands. This also reflects upon his approach towards family members (particularly women in the family). Thus in the entirety of facts and circumstances the petitioner fails to make out a case at this stage and he is not entitled to bail.

**Petition dismissed in aforesaid terms.** All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)**  
**JUDGE**

01.02.2022  
anju rani

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|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No. |