

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43019-2022
Decided on : 16.02.2023

Amrinder Singh @ Deepi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Santosh Kumar, Advocate with
Mr. C.S.Bagri, Advocate for respondent No.2.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in FIR No.67 dated 19.05.2021 for the offences under Sections 323, 324, 325, 326, 341 and 34 IPC registered at Police Station Khamano District Fatehgarh Sahib.

Learned counsel for the petitioner *inter alia* contends that it is a case of version and cross-version wherein both the parties received injuries at the hands of each other. Learned counsel has vehemently argued that in fact, it is the complainant party, which had initiated the occurrence in question. Learned counsel submits that a DDR bearing No.32 dated 20.05.2021 under Sections 323, 324, 506 and 34 IPC was registered at the instance of wife of the petitioner namely Manjit Kaur wherein she had categorically alleged that out of the CCTV cameras installed by the

complainant/respondent No.2-Gutinder Kaur outside her house, one of them was facing their house. Since the petitioner had young daughters, the complainant party had been asked many times to remove the camera. However, instead of removing the camera facing their house, the husband of the complainant had been indulging in abusive behaviour with the petitioner and his family. On the fateful day i.e. on 19.05.2021, yet again the complainant party had indulged in abusive behaviour in an inebriated condition. The complainant party after entering the house of the petitioner caused several injuries with the knife on the person of the petitioner's wife and daughters, besides also threatening them with dire consequences. Learned counsel contended that to cover up for the crime committed by them, the complainant party then fabricated a false story and registered the FIR in question.

Learned State counsel assisted by counsel for respondent No.2 has vehemently opposed the submissions and prayer by the counsel opposite. While drawing the attention of this Court to the FIR (Annexure P-1) learned State counsel has submitted that on the day of occurrence while the complainant and her husband were about to leave in their car, the petitioner armed with a sickle, his wife and daughter Sharanpreet Kaur armed with lethal weapons, came in front of her car. The husband of the complainant was given repeated blows with a sickle over various parts of the body including waist, head and left shoulder, which found duly reflected in his MLR. In support, attention of this Court has been drawn to the MLR annexed as Annexure R-2/2. Learned State counsel further submits that since soon after the occurrence in question, the injured were removed to the

hospital and the FIR in question was registered, there was no question of a false and fabricated case having been planted upon the petitioner. Learned State counsel still further submits that the injuries on the person of the accused party were found to be simple in nature. Learned counsel for the complainant argued that the accused party got the DDR recorded after more than 24 hours of the alleged occurrence, which fortified that it was the accused party, which had woven a false version to cover up for the crime committed by them.

Heard learned counsel for the parties and perused the relevant material available on record.

As per the allegations levelled in the FIR (Annexure P-1), the petitioner allegedly inflicted repeated blows with a kirch on the person of the husband of the complainant, including an injury on his head, which was opined to be grievous in nature.

In view of the allegations levelled in the FIR in question and the nature of injuries inflicted by the petitioner in the crime, this Court is not inclined to extend the concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

16.02.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No