

CRM-M-43156-2023 -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(232) CRM-M-43156-2023
Date of decision:- 04.10.2023

Parmel Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Anup Singh, DAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
239	17.11.2021	Sadar Dhuri, District Sangrur	324, 323, 506 IPC (later on Section 326 IPC was added)

2. Case of the prosecution is that FIR, Annexure P-1, has been registered by Hardeep Kaur, wherein she has stated that after the death of her husband, she married Harbans Singh, who unfortunately expired in 2013. The very next year, she was married to Parmel Singh, present petitioner, who is the elder brother of Harbans Singh, by way of a kareva marriage. Complainant has two children from earlier marriage and the petitioner, who is a truck driver, has been harassing her and her children.

On 17.11.2021, at about 12:45 A.M., when complainant and her daughter were sleeping and her son had gone to a factory for work, Parmel Singh scaled the wall of their house, forcibly entered the room and attacked them with a sword. He inflicted injuries on the complainant as well as her daughter, Anjali. The complainant and her daughter managed to save themselves by throwing a blanket on him. Because of the alarm raised by the complainant, neighbours started gathering and the petitioner threw the sword on the spot and fled away.

3. Counsel for the petitioner submits that the FIR is an outcome of marital discord between the parties. He submits that the petitioner has submitted a complaint dated 22.09.2021, Annexure P-2, against his wife-complainant and FIR, Annexure P-1, is a counter blast to the same. By referring to the medical record of the complainant and Anjali, Annexure P-6, counsel submits that they were admitted in the Civil Hospital, Dhuri in the early hours of 17.11.2021, but they left the hospital at 8:00 A.M. against medical advice and got themselves re-admitted at Civil Hospital, Sangrur at 6:10 P.M. on the same day. It is his argument that the injuries on the complainant and Anjali are self-inflicted. Counsel submits that the petitioner, who has clean antecedents and is in custody since 08.01.2022, deserves to be enlarged on bail, as the complainant has testified before the Trial Court.

4. *Per contra*, State counsel, upon instructions from ASI, Sukhbir Singh, has opposed the petition and has submitted that the petitioner inflicted nine injuries on the complainant, out of which, one has been declared as grievous. He submits that Anjali has suffered six injuries. He has

filed status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Dhuri, District Sangrur, which is taken on record. As per his instructions, three out of seventeen prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. Noticing that the FIR is an outcome of a complaint lodged by petitioner’s wife and is probably an outcome of estrangement between them, this Court is inclined to accept the prayer made in the petition. Furthermore, the length of custody of more than nineteen months, the stage of the trial and the fact that the complainant has been examined, are factors, which have weighed in favour of the petitioner.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

04.10.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No