

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 207 (2)

CRM-M-46638-2022

Date of decision : 16.01.2023

Rajwinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM:    HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:    Mr.Pankaj Garg, Advocate, for the petitioner.

Mr.Arun Luthra, DAG, Punjab.

Mr.T.S.Grewal, Advocate, for the complainant.

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DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.71 dated 29.08.2022 registered under Sections 452, 323, 427, 506, 148 and 149 IPC (Sections 325, 379, 120-B, 459 and 411 IPC added later on) at Police Station Sherpur, District Sangrur.

On 10.10.2022 this Court had passed the following order: -

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 452, 323, 427, 506, 148, 149, IPC and Sections 325, 379, 120-B, 459 and 411 IPC added later on, in a case arising out of FIR No. 71, dated 29.08.2022, registered at Police Station , Sherpur, District Sangrur.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case and is not related in any manner to both the parties. He further submits that two co-accused, namely, Kulwinder Kaur and Shamsher Singh have already been granted ad interim anticipatory bail by this Court vide order dated 14.09.2022 passed in CRM-M-41944-2022, which says as under:

*“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioners, namely, Kulwinder Kaur and Shamsher Singh, who have been booked for having committed the offences punishable under Sections 452, 323, 427, 506, 148 and 149 IPC, and Sections 325, 379, 120-B and 459 IPC which were added lateron, in a case arising out of FIR No. 071, dated 29.08.2022, registered at Police Station Sherpur, District Sangrur.*

*Learned counsel for the petitioners submits that present petitioners, aged about 60 years, are parentin-laws of Baljinder Singh, who is son of complainant – Amarjit Kaur. Marriage of Baljinder Singh and Ramandeep Kaur (daughter of the petitioners) was solemnized about 11 years ago. Learned counsel submits that present FIR is nothing but a counter blast to the petition filed by Ramandeep Kaur, under Section 125 Cr.P.C., on 21.07.2022 (Annexure P-1) and also to an application (Annexure P-3) submitted to the Senior Superintendent of Police, Sangrur, for taking action against Baljinder Singh and his family members, for demanding Rs. 5,00,000/- from her.*

*Learned counsel for the petitioners further submits that apart from the allegations of house trespass and of Section 379 I.P.C., all other offences mentioned in the FIR are bailable in nature and so far as allegation of committing theft is concerned, nothing is detailed in the FIR against the petitioners. Learned counsel also submits that broadly speaking, present case is nothing but arising out of matrimonial dispute between Baljinder Singh and Ramandeep Kaur.*

*Notice of motion.*

*On asking of the Court, Mr. J.S. Arora, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.*

*At this stage, Mr. Tanvir Singh Grewal, Advocate, put in appearance on behalf of complainant – Amarjit Kaur and vehemently opposes the present bail petition by submitting that brutal injuries by use of axe, iron-pipe and sticks have been inflicted by the petitioners’ party by entering into house of the complainant.*

*I have heard learned counsel for the parties and gone through the available record.*

*It is an admitted position that in the present case none of the injuries has been opined as serious in nature, except of being grievous. Accordingly, petitioners are directed to join the investigation as and when required to do so by the Investigating Agency. In the event of their arrest, the petitioners shall be released on ad-interim bail, subject to furnishing bail bonds by them to the satisfaction of the Arresting Officer. The petitioners shall also abide by all the conditions laid down under Section 438(2), Cr.PC.*

*Adjourned to 16.01.2023.”*

Notice of motion.

On the asking of the Court, Mr. Anmol Singh Sandhu, AAG, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State. Adjourned to 16.01.2023.

In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.

To be heard with CRM-M-41944-2022.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined the investigation, cooperated with the investigation and that the State no longer requires the petitioner for investigation purposes.

In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order as also the statement made on behalf of the State, the order of this Court dated 10.10.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

16.01.2023  
shamsher

[DEEPAK SIBAL]  
JUDGE

Whether speaking/reasoned : Yes / No  
Whether reportable : Yes / No