

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

**CRM-M-50935-2023
Date of decision: 29.11.2023**

UPKAR SINGH

.....Petitioner

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Charanpal Singh Bagri, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

Mr. Ramneek Vasudeva, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to petitioner-Upkar Singh in case FIR No.37 dated 09.08.2023, under Sections 323, 341, 506 and 34 IPC (Sections 354 and 379-B IPC added later on), Police Station Block Majri, District SAS Nagar.

2. Learned counsel for the petitioner contended that the FIR was registered on 09.08.2023 with concocted facts and is a counter-blast to the civil suit filed by the father of the petitioner wherein, the dispute regarding ancestral property is pending. The said FIR was initially registered under Sections 323, 341, 506 and 34 IPC, however, on the basis of a supplementary statement of the complainant recorded on 21.08.2023, the aggravated allegations regarding snatching of mobile phone were added to attract the offence under Sections 354 and 379-B IPC. However, the alleged mobile phone was later on recovered nearby the alleged place of occurrence. The injury attributed to the petitioner is simple in

arrested and he has been released on bail vide order dated 30.09.2023, passed by the Court of learned Additional Sessions Judge, S.A.S. Nagar.

3. Learned State counsel has filed status report by way of affidavit of Sh. Dharamvir Singh, PPS, Deputy Superintendent of Police, Sub-Division Kharar-2 (Mullanpur), District SAS Nagar, Mohali, which is taken on record. As per the status report, the present FIR was registered on the basis of the statement of Karamjit Kaur against Darshan Singh, Shinder Kaur, Upkar Singh and Sukhdev Singh. Cross-version was also registered vide DDR No.2 dated 10.08.2023 under Sections 323, 341, 506 and 34 IPC, on the complaint of Shinder Kaur against Karamjit Singh, Gurpreet Singh and Navjot Kaur.

4. Learned State counsel has opposed the bail application submitting that the allegations against the petitioner are grave in nature.

5. I have considered the aforesaid allegations and perused the paper book.

6. Though there was a land dispute between the parties regarding which a civil suit is filed by Sukhdev Singh s/o Mehar Singh, which was decreed on 02.01.2019 by the Court of learned Civil Judge (Junior Division), Kharar (Annexure P-4), but there are serious allegations against the petitioner that he had inflicted Danda blow to the complainant. Apart from this, the petitioner is alleged to have inflicted a Danda blow on the head of Navjot Kaur, daughter of the complainant. There are also allegations that the petitioner had snatched away the mobile phone from Navjot Kaur and has also torn her clothes. The statement given in the FIR has been further elaborated in the supplementary statement given by the complainant on 21.08.2023. The supplementary statement is only an elaboration and explanation of the first version recorded in the FIR. There are no contradictory allegations in the supplementary statement.

7. As per the status report, though the injuries on the person of Karamjit Kaur-complainant have been declared to be simple in nature but the injury inflicted to the daughter of the complainant was on the vital part of the body and there are serious allegations of tearing the clothes of a female. Although the contra-version has been recorded by way of DDR No.2 dated 10.08.2023, on the complaint of Shinder Kaur, but as per the status report, nobody had received the injury which is alleged to have been attributed to Navjot Kaur, daughter of the complainant.
8. In view of the aforesaid circumstances, the injuries attributed to the petitioner are serious in nature. There are allegations of tearing of clothes of the female apart from inflicting injuries to her. In these circumstances, the petitioner is not entitled to the concession of pre-arrest bail.
9. Consequently, the present petition stands dismissed.

(HARPREET KAUR JEEWAN)
JUDGE

29.11.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No