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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-57825-2023****Date of Decision: 22.11.2023**

Inderjit @ Bui

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. H.P.S.Ghuman, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.0012 dated 27.01.2023 under Sections 323, 324, 326, 148, 149, 506 of IPC, registered at Police Station Doraha, Police District Khanna, District Ludhiana.

2. The FIR in the present case was got registered by Arvinder Singh. At about 8.00 p.m. on 25.01.2023, the complainant was present along with his friends Amrik Singh and Bachi. In the meantime, while they were drinking beer, Inderjit Singh @ Bui, Vicky @ Pathi and one unknown boy came there. All the assailants were carrying iron toka (Dah of Iron). On seeing them, the complainant ran away towards his plot and his friend ran in the street. The complainant was encircled by Bachi, Guri and Shukhe and in the meantime, Inderjit Singh @ bui gave a blow with toka on his head. However, the complainant raised his right arm and suffered injury near the wrist of right hand.

Vicky @ Pathi gave a blow with toka on his right leg, which hit him below the

knee. The unknown person, Bachi, Guri and Sukhe caught hold of him and gave kick blows on his back and another parts of the body. Guri brought a baseball bat and gave injuries on his leg and back. The complainant raised noise to save him and the complainant and his friends were saved from the assailants. With these broad allegations, the FIR in the present case was got registered by Arvinder singh, complainant.

3. Learned counsel for the petitioner contends that in the year 2022, the petitioner had performed marriage with a lady, namely, Manpreet Kaur and she stayed with the petitioner 8/9 months. Thereafter, she started living with Arvinder Singh, complainant; and the complainant and Manpreet Kaur wanted to perform marriage. Even the complainant and Manpreet Kaur had been extended threats to the petitioner, to get divorce from him. At about 11.30 am on 06.10.2023, the petitioner was abducted by the complainant, Manpreet Kaur and others. Consequently, the petitioner was detained for the whole day and was caused serious injuries on his person. Ultimately, the petitioner was got registered one FIR No.0209 dated 11.10.2023 under Sections 365, 323, 324, 325, 341, 148, 149, 506 of IPC, at Police Station Sadar Ludhiana (Annexure P-2). Learned counsel next contends that only one injury has been attributed to him, which is on the right hand i.e. non-vital part of the body. Even due to the injuries caused by the complainant side, the petitioner remained hospitalized for about one month. He further contends that even the false role has been assigned to the petitioner as a matrimonial dispute is pending between the petitioner and Manpreet Kaur.

4. On the other hand, learned State counsel has opposed the prayer made by learned counsel for the petitioner on the ground that the main injury,

which attributed under Section 326 IPC, is attributed to the present petitioner and his custodial interrogation is required.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that the petitioner was also caused serious injuries by the complainant side and the petitioner was hospitalized for over a month. Apart from that, wife of the petitioner is admittedly staying with Arvinder Singh, complainant and the possibility of false implication cannot be ruled out, at this stage. Apart from that, the injuries suffered by the complainant is also on non-vital part of the body and Gurchetan and Jitender, other co-accused have already been granted the concession of bail.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

22.11.2023
hemlata

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