



207 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5236-2024
Date of decision: 1st July, 2024

Dr. Pawan Kumar
Versus
State of Punjab
...Petitioner(s)
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. M.S. Hundal, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
128	20.12.2023	Division No.1, Pathankot	323, 324, 427, 506, 148 and 149 of IPC, 1860 (Section 326 of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by complainant Yugal Kishore alleging therein that Neha Khanna was his daughter-in-law. Her aunt Roma Narang owned a plot measuring 13 ½ marla, near ACE Hospital, Pathankot and executed a power of attorney of the said plot in favour of Neha Khanna. The complainant used



to take care of this plot. Another plot measuring 8 ½ marls was abutting this plot which was purchased by one Anju Bala and then by one Suman Gupta. Both of them had previously filed a suit against him and Roma Narang regrading the aforementioned plot but the said suit was decided in their favour and he was in possession of that plot also. He alleged that on 19.12.2023 at about 1:00 PM, he had gone to look after his plot which had been got bounded by him with iron barbed wire when he found that the petitioner along with 7-8 unknown persons was present at his plot and was they were removing the iron barbed wire, on seeing this, he started making a video of the incident but was intercepted by the co-accused Rajni Bala who was accompanying the petitioner-accused Pawan Kumar and who made an extortion to teach him a lesson. The petitioner tried to hit him with a *datar* which he was carrying and little finger of the complainant was injured. An unknown person accompanying the petitioner gave a punch on his face thereby injuring his lips. He fell on the ground but was extended beatings with base ball bats on his back and was rescued by his son and a passer by who had reached there. While retreating, the petitioner, co-accused Rajni Bala and unknown persons criminally intimidated him by extending threats to kill him. He prayed for taking action against the culprits. After registration of FIR, the investigation proceedings have been initiated and are under way. The petitioner had moved application for grant of pre-arrest bail before the Court of Additional Sessions Judge, Pathankot while order dated 18.01.2024.



3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he is a dentist by profession. He has entered into an agreement to purchase a plot from one Vijay Kumar Gupta and Dheeraj Gupta by executing a written agreement dated 08.04.2023 for sale consideration amount Rs. 50,00,000/-. An amount of Rs. 10,00,000/- was paid by him as earnest money to the vendors. It was submitted that before execution of the sale deed, he decided to visit the plot for carrying out its demarcation and on reaching there, he found that the plot which was agreed to be sold to him was having fencing of iron barbed wires. He began to remove the same and then the complainant along with his son came at the spot and started hurling abuses to him and claiming that he was trespassing on his property. Heated verbal arguments had taken place between them but no scuffle had taken place and he had not opened any attack upon the complainant. He argued that injury found on the little finger of the complainant was self inflicted injury only. He had joined investigation at the time when application for grant of pre-arrest bail had been moved before the Court of learned Additional Sessions Judge, Pathankot. Since he was not having any *datar*, therefore, the recovery of same could not be effected from him. Now neither any recovery is to be effected from him nor his custodial interrogation is required. He is ready to join the investigation as and when required and has given answers to all the queries put to him in questionnaire form in compliance of order dated 20.05.2024. It is therefore argued that the petition deserves to be allowed and he deserves to be extended benefit of pre-arrest bail.



4. Status report has been filed by the respondent-State. Learned State counsel has submitted that the petitioner has joined investigation and his custodial interrogation is no more required, but keeping in view the gravity of the defence, he does not deserve to be given benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed unlawful assembly with 7-8 unknown persons including the co-accused Rajni Bala, who has been extended benefit of bail and in prosecution of common object of that unlawful assembly, is alleged to have damaged the barbed fencing wire over the plot which is allegedly claimed to be in possession of the present complainant and is further alleged to have caused injuries to him and criminally intimidated him. One of such injuries is found to be grievous in nature. The petitioner had joined the investigation at the time when he had moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Pathankot and had also joined investigation in pursuance of order passed by this Court on 01.02.2024 and even subsequently. The subject offences are triable by Magistrate. The petitioner has submitted that he was not carrying any *datar* at the time of occurrence and has even placed on record sworn affidavit (Annexure P-5) in this regard. His custodial interrogation is no more required. Keeping in view the nature of the allegations as levelled against the petitioner and the attendant facts and circumstances of the case, I am of the considered opinion that the



petitioner deserves to be given pre-arrest bail. The present petition is allowed and the order dated 01.02.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

1st July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |