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

CRM-M-9927-2024

Date of Decision: 06.03.2024

Sarabjit Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. Short Reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division Fatehgarh Churian, Police District Batala has been filed on behalf of the respondent-State in Court today and the same is taken on record.

2. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in cross case bearing GD No.24 dated 16.12.2023 under Sections 326, 324, 323, 34 of IPC in case FIR No.90 dated 15.12.2023 registered under Sections 324, 323, 34 of IPC, at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.

3. Learned counsel for the petitioner contends that the FIR in the present case was registered against the complainant party on the basis of the complaint filed by the wife of the petitioner. He further contends that on 10.12.2023, the present complainant side misbehaved with the wife of the

petitioner and thereafter, caused injuries to the petitioner and his wife. In fact, the present complainant side was pressuring the wife of the petitioner to withdraw a criminal complaint, lodged by her against the complainant side. Learned counsel further contends that after 5 days of the occurrence, the present cross version was ordered to be registered against the petitioner and his wife by coining a false version. He further contends that in the present case, the petitioner and his wife Gurwinder Kaur had suffered serious injuries on their persons, which is evident from the MLR of Annexures P-5 and P-6, respectively. Further, as per the allegations levelled by the complainant, the petitioner had caused an injury with a datar on the right forearm of Manjinder, which has been declared to be grievous in nature and the said injury was suffered by Manjinder, injured on the non-vital part of the body. He further contends that the petitioner is ready to join the investigation in the present case and the question of aggressor is yet to be decided by the trial Court during the trial.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that there are serious allegations against him and he does not deserve the concession of bail by this Court.

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

6. It is a case of version and cross version and the FIR was initially registered on the basis of the statement made by wife of the petitioner. Even it is apparent that the petitioner and his wife had suffered injuries, which is apparant from the MLR Annexures P-5 and P-6, respectively. Even the grievous injury suffered by Manjinder Kaur is on non-vital part of the body.

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.

06.03.2024.
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(N.S.SHEKHAWAT)
JUDGE

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