

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15612-2024
Date of decision : 08.04.2024

Baghel SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ramandeep, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Mr. M.K. Dhot, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.32 dated 11.02.2024, registered for offences punishable under Sections 452, 323, 506, 34 of the Indian Penal Code, 1860 at Police Station Tripri, District Patiala, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. FIR was registered on the information given Ranjit Kaur who is about 50 years old woman, alleging as under:

“xxx Stated that I am resident of above mentioned address and do household chores. I have two sons elder one is Sukhchain Singh who is settled abroad i.e. in Italy and younger to him is my daughter namely Harpreet Kaur who is married to Harwinder Singh resident of Village Ugani, Tehsil Rajpura, Distt. Patiala. My husband is doing agricultural works. On 9.2.2024 my husband was

doing work in the cattle shed. Then at around 10.30 a.m. one of our calf went towards the house of my brother in law namely Harnek Singh, I ran to catch her. Then I saw that the daughter in law of Harnek Singh namely Akvinder Kaur started giving stick blows to the calf. Then I asked her that why she has been giving beatings to the calf, her husband Baghel Singh son of Harnek Singh was also standing beside her. In the meantime both the above mentioned persons started abusing me and Akvinder Kaur threatened me and thereafter on account of fear, I went inside my cattle shed. In the meantime Baghel Singh took the stick from inside his house and entered into our cattle shed. Thereafter Baghel Singh immediately snatched the mobile phone from my hand and threw it in the drain so that I could not call anyone. Thereafter he gave stick blow one after another on my body. As a result of which I suffered injury on my left arm below my elbow, on right arm near my elbow and on my both legs. Thereafter Baghel Singh tried to inflict stick blow on my head so as to save myself, I raised my right hand. As a result of which I suffered injury on my fingers and blood started oozing out from my index finger and I suffered fracture in my index finger. In the meantime I fell down and Akvinder Kaur gave leg blows on my abdomen and on other parts of my body. I raised hue and cry. On hearing the noise lot of persons gathered at the spot. Then daughter in law of my elder brother in law namely Ramandeep Kaur wife of Bhupinder Singh @ Bubby resident of village Lang was also present at the spot and they have seen the entire incident. However on account of fear none of the persons came forward so as to save me from Baghel Singh and Akvinder Kaur. Both the above mentioned persons after giving injuries to me went away from the place of occurrence along with sticks and while fleeing they extended threats of life to me. Above mentioned persons used to argue with me on petty matters on earlier occasions also. Thereafter some of the villagers informed my daughter Harpreet Kaur and son in law Harwinder Singh. Thereafter my daughter Harpreet Kaur and son in law Harwinder Singh along with one Nardeep Singh took me to the Rajindera Hospital Patiala in their car and got me admitted for further treatment, where I am undergoing treatment in ward No.8. We have threats to our life and

property at the instance of above mentioned persons. Legal action be initiated against Baghel Singh son of Harnek Singh and Akvinder Kaur wife of Baghel Singh residents of village Lang, Distt. Patiala xxx”

3. As per the allegations in the FIR she was given severe beatings by the petitioner as well as his wife Akvinder Kaur who happen to be son and daughter-in-law of her elder brother-in-law.
4. Keeping in view the close relationship between the parties, parties were directed to come present in the Court.
5. Petitioner as well as complainant were confronted. Petitioner was asked to tender apology to the complainant/victim who happens to be his *Chachi*. Instead of being apologetic he has shown no sign of remorse and appears to be incorrigible.
6. As per the settled law, pre-arrest bail is not rule as is regular bail. The relief under Section 438 Cr.P.C. is discretionary. While granting the same, the Court has to consider the allegations levelled and also to see whether the accusation has been made with the object of injuring or humiliating the applicant by getting him arrested.
7. Keeping in view the aforesaid parameters and in the light of conduct shown by the petitioner, this Court does not find it to be a case for grant of pre-arrest bail. Consequently, the present petition is dismissed.

April 08, 2024
Dpr

(Pankaj Jain)
Judge

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