

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM M-18576 of 2024
Date of Decision:18.04.2024

Jaswinder Mohan Singh ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gaganvir Singh Gill, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant anticipatory bail in case FIR No.0032 dated 10.02.2024 registered under Sections 452, 323, 506 and 34 IPC (Section 109 added later on) at Police Station Garhshankar, District Hoshiarpur.
2. The FIR in the present case was got registered by Mahinder Kaur wife of late Nirmal Singh and the same has been reproduced below:-

“Statement of Mahinder Kaur wife of Late Nirmal Singh resident of Garhi Mansowal Police Station Garhshankar district Hoshiarpur age about 62 years Mobile No. 89683-46408 states that I am resident of above address and used to do household work. I have four children, two boys and two girls, who all are married.

My youngest son Shamsher Singh who was married around 9 years ago with Jaswinder Kaur daughter of Mahinder Singh resident of Rampur Police Station Una District Una Himachal Pradesh. After some time of marriage my daughter-in-law Jaswinder Kaur started quarrelling and after that my daughter-in-law Jaswinder Kaur filed a court case against us at Una. After 5 year, both the parties arrived at compromise and we happily brought back home my daughter-in-law Jaswinder Kaur. When my son Shamsher after spending holidays again went abroad then my daughter-in-law again started quarrelling with me and used to fight with my son on phone. Fedding up from that I severed my son Shamsher Singh and daughter-in-law Jaswinder Kaur from my movable and immovable property. However my daughter-in-law is living in my house by force. On 08-02-2024 around 6.00 PM, I was present at my home then with the consent of my daughter-in-law Jaswinder Kaur, unknown persons came in swift car bearing registration Number PB-02-BY- 4969, who have sword and stick and by opening the gate of my house by force whom I don't know started assaulting me and blow punches on my throat. When I shouted save-save, then by seeing the

neighbours gathering above 3 unknown persons, ran away in their car from the spot along with sword and sticks while threatening to kill me. These 03 unknown persons who came to my house, had come with the consent of my daughter-in-law to beat me. Today I along with Sonia wife of Raj Kumar by coming present in police chauki have recorded statement to you. Statement has been read heard it true. I have threat from Jaswinder Kaur and unknown persons, her relatives. Legal action be taken against them. RTI/- Mahinder Kaur”.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and in fact, the petitioner had met Jaswinder Kaur, co-accused in a Gurudwara Sahib at Machiwara and had helped Jaswinder Kaur, daughter-in-law of the petitioner to avail her legal remedies. Learned counsel further contends that the petitioner had no reason or occasion to cause the injuries to Mahinder Kaur, complainant. He further contends that even otherwise, a false version has been coined by the complainant in the present case and she was never taken to any hospital for any medical treatment and no MLR was prepared in the present case. Learned counsel further contends that in fact the complainant, namely, Mahinder Kaur was having a dispute with her daughter-in-law Jaswinder Kaur and the petitioner has been unnecessarily dragged in the instant case. He

further contends that the petitioner has no criminal antecedents and the petitioner is ready to join the investigation.

4. Notice of motion.

5. On the asking of Court, Mr. I.P.S. Sabharwal, DAG, Punjab accepts notice on behalf of respondent-State.

6. Ms. Simsi Dhir Malhotra, Advocate has put in appearance on behalf of the complainant by filing memo of appearance.

7. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the present petitioner on the ground that the present petitioner had actively participated in the commission of the crime and had caused injuries with fist blows on the neck of Mahinder Kaur, an old lady. Learned counsel further submit that the petitioner had the intention to cause some serious offence and the intention clearly reflected in the manner, in which the injuries were inflicted by the petitioner and his co-accused. However, learned State counsel admits that no medico legal report was prepared in the present petition with regard to the injured Mahinder Kaur.

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

9. It is not in dispute that Mahinder Kaur was already having a dispute with the principal accused, namely, Jaswinder Kaur

in the present case. The petitioner was not named as one of the accused in the initial version and his name has surfaced only during the course of investigation as one of accused, who has allegedly caused injury to Mahinder Kaur. Apart from that, as per the admitted case of the prosecution, no medico legal report was prepared in the present case. The petitioner is first offender and in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required, at this stage.

10. 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.

18.04.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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