



CRM-M-31247-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.234

Case No. : CRM-M-31247-2024

Date of Decision : August 09, 2024

Balkar Singh Petitioner
vs.
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. J. S. Brar, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Amit Kohar, Advocate
for the complainant.

* * *

GURBIR SINGH, J. :

1. This is a petition under Section 438 Cr.P.C., filed by the petitioner, seeking anticipatory bail in case FIR No.0150 dated 01.06.2024, (Annexure P-1), under Sections 308, 323, 324, 34, 506 IPC, 1860 (Sections 326 and 307 IPC added later on and Section 308 was deleted), registered at Police Station Sadhaura, District Yamuna Nagar.
2. The case in question was registered on the complaint of Balbir (father-in-law of the petitioner). As per allegations, the complainant had married his daughter Sarita Devi to the petitioner about 17 years ago and out of the said wedlock, two sons were born. The petitioner used to harass the daughter of the complainant. The petitioner is taking drugs of different

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kinds. About 8-6 months back, the petitioner, under the influence of liquor, turned the daughter of the complainant out of his house, after giving her beatings and she started residing with the complainant. On 23.05.2024, his daughter was taken back to her matrimonial home, after assurances given by sister and other relatives of the petitioner. The complainant sent his daughter in order to save matrimonial life. On 30.05.2024, at about 09:00 AM, the petitioner started hurling abuses at the daughter of the complainant under the influence of liquor. When she tried to make him understand, then the petitioner gave her beatings and also gave slaps and punch blows to her. She did not say anything. After some time, the petitioner, who was carrying sharp-edged weapon in his hand, came from behind and attacked Sarita Devi – daughter of the complainant. She fell down. He kept on attacking her with the sharp-edged weapon on her hand, feet and head and made her unconscious. On hearing cries, persons from neighbourhood gathered there. The complainant was called on phone. When he reached the house of her daughter, she was lying unconscious. Police came at the spot but the petitioner ran away from the spot.

3. Learned counsel for the petitioner has argued that injuries suffered by the wife of the petitioner were simple in nature except one injury, which is on non-vital part and the same was not dangerous to life. The complainant is not witness to the occurrence. The case is based on hear-say version. The petitioner is ready to join investigation. His wife has even failed to settle the matter despite the matter being taken up before Mediation and Conciliation Centre.



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4. Learned counsel for the complainant has put in appearance and filed his *Vakalatnama*. Learned State counsel, accompanied by learned counsel for the complainant, has produced in Court some photographs of the injured daughter of the complainant. The same are ordered to be taken on record. It has further been submitted that as per the Medico Legal Report, there are five injuries on her body and one of the injuries is grievous, caused by sharp-edged weapon. There is injury on the head also. The petitioner gave injuries to his wife in the presence of his minor children in a cruel manner and thereafter, fled from the spot and did not even bother to take his injured wife to the hospital. The petitioner is not entitled for bail.

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

6. The injured in this case is a house-maker. She is wife of the petitioner. The petitioner gave injuries to his wife with a sharp-edged weapon. One of the injuries is on the head. The medical opinion given by the concerned doctor in this case reads as under :-

“Injury No.1 as per MLR, X-Ray report dated 31.05.2024, shawn fracture phalynx of middle finger of left hand, nature of injury is grievous and weapon use is sharp. Injury No.4 & 5 as per X-Ray Report are simple in nature. Injury No.2 and 3 as per CT Report HYAM-260012868 dated 30.05.2024 does not reveal any intracranial injury. So, nature of injury are simple. As per the question asked on police request dated 05.06.2024, any possibility of injuries are dangerous to life or not, any possibility of advice asked



statement cannot be ruled out.

*Sd/-
Gunjeet Singh,
M.O. Bilaspur.”*

7. If a home-maker is not safe in the house from her husband, then this Society cannot exist. The act of the petitioner in causing injuries to his wife with a sharp-edged weapon is very grave. The power to grant anticipatory bail is an extra-ordinary power and should not be exercised in a case, where conscience of the Court is satisfied that such a relief cannot be granted. The petitioner, after causing injuries to his wife, left the house. She was bleeding and became unconscious. Recovery of weapon is also to be effected. So, it is not a case where concession of anticipatory bail can be granted.
8. Accordingly, keeping in view the peculiar facts and circumstances of the case in hand, I do not find any merit in the present petition, which is accordingly dismissed.
9. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.
10. Pending applications, if any, shall stand disposed of along with this judgment.

August 09, 2024
monika

(GURBIR SINGH)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>