



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

CRM-M-34249-2024

Date of Decision: 07.08.2024

Sajan Singh @ Dodu

...Petitioner

vs.

State of Punjab and Anr.

...Respondents

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

Present : Mr. Ajeet Pal Singh Pakka, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.PC with a prayer to grant anticipatory bail to him in case FIR No.09 dated 13.01.2024 under Sections 323,324,34 of IPC (offence under Section 326 of IPC added later on), registered at Police Station Canal Colony, District Bathinda (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Gagandeep Singh son of Tota Singh, resident of Lal Singh Nagar, Bathinda, aged about 30 years and the same has been reproduced below:-

“Stated that I am resident of above said address and doing private work. My marriage was solemnized with Anjit Kaur D/o Ranjit Singh R/o Bathinda approximately 2 months ago. Before this Anjit Kaur was married to one Sukhdev Singh @ sukha s/o Hardev Singh R/o Amarpura Basti, Bathinda. After taking divorce from him, Anjit Kaur married me and due to this reason Sukhdev Singh @ Sukha was keeping a grudge against me. On 06.01.2024, I was present at my house then Dodu R/o Naruana Road, Bathinda

came to me and said I will effect compromise between you both, then Dodu took me and my brother Jaswinder Singh alongwith him and when we reached near the T-point of Amarpura Basti then at about 10.30pm I saw in the street light that Sukhdev Singh @ Sukha and Dames S/o Darshan Singh were standing in the street. When we started talking to each other then Dodu gave a lalkara that I have brought them here and now don't spare them, then Sukhdev Singh @ Sukha gave a blow of his hand held KAPA directly towards me and I raised my right hand to save myself then KAPA hit me on my little finger of right hand, then Dodu gave a blow of his stick towards me which hit me above my right eye and when my brother Jaswinder Singh tried to help me then they also gave beating to him and I fell down during the fight then Sukhdev Singh @ Sukha gave two blows of his KAPA on my right leg, which hit on the calf of right leg, and Dames gave blows of his axe on my ankle of right leg. Me and my brother Jaswinder Singh raised hue and cry saying MARTA MARTA then all three of them ran away with their weapons. Reason behind this occurrence is that I married with Anjit Kaur after her divorce from Sukhdev Singh @ sukha and due to this reason Sukhdev Singh @ Sukha was keeping a grudge against me. Due to this reason Sukhdev Singh @ Sukha, Dodu & Dames in connivance with each other have given beating to me and my brother. Legal action may kindly be taken against them. Got recorded my statement with you, heard it and found it to be correct. Sd/-Gagandeep Singh verified by Sd/- Jaswinder Singh @ Jassa S/o Sukhdev Singh R/o Lal Singh Basti Bathinda, attested by Sd/- Kulwinder Singh HC/1352, PS Canal Colony Bathinda dated 13.01.2024.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case due to previous enmity between the parties. In fact, the alleged occurrence had taken place at 10:30 PM on 06.01.2024, whereas the FIR was got registered by the complainant at about 02:00 PM on

13.01.2024 and there is unexplained delay of seven days in lodging the FIR. He further contends that in fact, the complainant side was the aggressor and had trespassed in the house of the accused. Learned counsel further contends that even as per the case set by the prosecution, the petitioner had allegedly taken away Gagandeep Singh, complainant from his home and gave a blow with stick on the person of Gagandeep Singh, which hit him above the right eye. He further contends that as per the medical report, the said injury has been declared to be simple in nature.

4. On the other hand learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner 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. No doubt, some of the injuries in the present case have been declared to be grievous in nature, but the injury which is specifically attributed to the petitioner declared to be simple in nature. Moreover, the petitioner has no criminal antecedents and no criminal case was ever registered against him and the petitioner is a first offender.

7. The present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 438 (2) of the Cr.P.C . It will be open for the Investigating Officer to call the petitioner to join the 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.

07.08.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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