



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34946-2024 (O&M)
Date of Decision:- 13.12.2024

Kultar Singh Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Bisman Mann and
Mr. Veer Vikram Singh Mann, Advocates,
for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
26	04.04.2024	Hathur, District Ludhiana (R)	324, 427, 506, 34 IPC (Section 326 IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. Status report by way of affidavit of Mr. Harjinder Singh, Deputy Superintendent of Police, Raikot, District Ludhiana (Rural) has been filed. The same is taken on record. A copy of the short reply has been furnished to learned counsel opposite.
3. At the time of issuance of interim bail the following order was passed on 24.07.2024:



“This petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.26, dated 04.04.2024, under Sections 324, 427, 506, 34 of IPC (Sections 326 of IPC added later on) registered at Police Station Hathur, District Ludhiana (R).

Learned counsel for the petitioner inter-alia submits that petitioner is senior citizen of 67 years of age. He has absolutely clean antecedents and has never been involved in any criminal case. The petitioner earlier lodged FIR against the complainant and his family members. The complainant has been trying to pressurize the petitioner to settle the matter and to withdraw the above stated FIR. He further submits that the injury attributed to the petitioner is with the *kirpan* which gave distal phalanx fracture of 4th digit (ring finger) of left hand which is result of friendly hand or self suffered.

Notice of motion for 28.10.2024.

Mr. Rajinder Singh Bhatta, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He seeks some time to file status report. A copy of the paper book be supplied to him during the course of the day.

In the meantime, the petitioner is directed to join the investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted



with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

- (iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.”

4. Learned counsel for the petitioner submits that even if all the allegations are taken to be correct, the only injury attributed to the petitioner is in the shape of an injury on the ring finger which as a matter of fact is a self-inflicted injury. It has been submitted that the petitioner is having absolutely clean record and is not involved in any other case. Learned counsel submits that the instant FIR had been lodged falsely so as to pressurize the petitioner to withdraw an earlier FIR which had been got registered by the petitioner against the present complainant i.e. FIR No. 10 dated 05.02.2024, Police Station Hathur, Ludhiana, under Sections 325, 323, 34 IPC.
5. Opposing the petition, learned State counsel submitted that although pursuant to interim directions the petitioner has joined investigation but he is not fully cooperating inasmuch as the weapon of offence i.e. the sword, used for inflicting injury has not been got recovered. It has further been submitted that the petitioner even did not disclose the name of other co-accused.
6. This Court has considered rival submissions addressed before this Court.



7. Having regard to the facts and circumstances of the case particularly the role attributed to the petitioner and while also bearing in mind his advanced age and the fact that he has joined investigation the concession of anticipatory bail cannot be declined solely on account of the fact that the petitioner himself did not get the sword produced which he had allegedly used. The petition, as such, is accepted and the interim directions issued vide order dated 24.07.2024 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 482 BNSS.

13.12.2024
Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No