



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M No.38251 of 2024
Date of decision: 17.09.2024

PAWAN KUMAR

.... Petitioner

Versus

STATE OF PUNJAB AND ANTOHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Hitesh Verma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

Respondent No.2 in person with Mohd. Uzaid, Advocate.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No.76 dated 06.07.2024 under Sections 126(2), 115 (2), 109 of Bharatiya Nyaya Sanhita, 2023 registered at Police Station City Rampura, District Bathinda.

2. Vide order dated 07.08.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 07.08.2024, passed by this Court, reads as under:

“The instant petition has been filed by the petitioner seeking benefit of pre arrest bail in case arising out of FIR No.76 dated 06.07.2024 under Sections 126(2), 115 (2), 109 of Bhartiya Nagarik Suraksha Sanhita, 2023 registered at Police Station City Rampura District Bathinda on the basis of statement recorded by the complainant-Usha Rani who is wife of the petitioner alleging



therein that there was a matrimonial dispute between the parties. The petitioner was indulged in illicit relationship with some other female. He had not been visiting his house from the last four to five years. She further alleged that on 05.07.2024, litigation initiated by her for grant of maintenance was pending before Sub Divisional Judicial Magistrate, Phul, Bathinda and she along with her son - Vishal had gone to attend the same. While on way back on motorcycle, the petitioner had intercepted them and hit her head with a rod with an intention to kill her due to which she got unconscious and fallen down. She was admitted to hospital and requested for taking action against the culprit.

After registration of FIR, investigation proceeding have been initiated and are underway. On 07.07.2024, DDR No.20 had also been registered in the same FIR on the basis of statement recorded by the present petitioner. On the statement recorded by the petitioner making allegations that it was he who had been hit by his son-Vishal on 05.07.2024 and had sustained serious injuries. A cross case was registered. On apprehension of his arrest, the petitioner had moved an application for pre arrest bail which had been dismissed vide order dated 26.07.2024 by the learned Addl. Sessions Judge, Bathinda.

It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of cross version. He is 50 years old person. In fact he had sustained more serious



injuries. No recovery is to be effected from him. He is ready to join the investigation. His custodial interrogation is not required.

Notice of motion.

Learned State counsel who has advance notice of the petition seeks time to file status report.

Adjourned to 17.09.2024.

Notice to respondent no.2 be issued for the same date.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Status report dated 16.09.2024 filed on behalf of respondent-State is taken on record. As per this report, the petitioner has joined the investigation on 11.08.2024. He has got recovered an iron rod allegedly used in the subject crime. He further submitted that this is a case of version and cross version. Custodial interrogation of the petitioner is not required.

4. At this stage, Power of Attorney filed on behalf of the complainant/respondent No.2 is taken on record. Learned counsel for respondent No.2 has resisted the grant of anticipatory bail to the petitioner by submitting that he is still extending threats to the complainant/injured-Usha

Rani who is his wife. However, there is nothing on record to show that any complaint has been lodged in this regard by the complainant.

5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 07.08.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

17.09.2024

Jyoti-IV

(MANISHA BATRA)
JUDGE

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