

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

211

**CRM-M No.40518 of 2024  
Date of decision: 25.09.2024**

**KULWINDER SINGH****.... Petitioner****Versus****STATE OF PUNJAB****.... Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. Samay Singh Sandhawalia, Advocate for the petitioner.

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

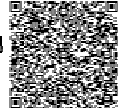
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**MANISHA BATRA, J. (oral)**

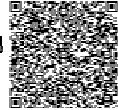
1. The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No. 32 dated 30.05.2024 registered under Sections 452, 323, 148, 149 and 506 of IPC, 1860 (Section 452 of IPC deleted and Sections 458 and 201 of IPC added later on) at Police Station Sadiq, District Faridkot.

2. Vide order dated 22.08.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 22.08.2024, passed by this Court, reads as under :

*“Prayer in this petition has been made by the petitioner for grant of pre-arrest bail in case arising out of FIR No. 32 dated 30.05.2024 registered under Sections 452, 323, 148, 149 and 506 of IPC, 1860 (Section 452 of IPC deleted and Section 458 of IPC added later on) at Police Station Sadiq, District Faridkot on the basis of statement of complainant -Bhagat Singh recorded on 30.05.2024 alleging therein that on 27.05.2024, the engagement*



*ceremony of his son Gurpreet Singh had been performed at his house. Jugraj Singh and his son Happy Singh had already come to his house 7-8 days before the ceremony. At the time of engagement ceremony, Happy Singh under the influence of liquor, had been creating nuisance, therefore, he had been sent back to his house. After performance of engagement ceremony, all the relatives had gone. On the same night at about 10:45 PM, when the complainant along with his family members was sleeping in his house, then the accused Jugraj Singh along with his three sons namely Sukhjinder Singh, Happy Singh and the present petitioner accompanied by 13-14 unknown persons who were having muffled faces came on motor bikes and forcibly entered inside his house. They started hurling abuses to them and then Jugraj Singh, Sukhjinder Singh while raising an exhortation to teach the complainant and his family members a lesson for turning out his son Happy Singh from his house, the accused Jugraj Singh opened an attack upon the complainant. The petitioner and co-accused Sukhjinder Singh and Happy Singh also started assaulting the complainant and his family members. They sustained injuries and were admitted to the hospital. He prayed for taking penal action against the culprits. Initially, a DDR No. 30 was registered on 30.05.2024 under Sections 323 read with Section 34 of IPC. Subsequently, offences under Sections 148, 149, 452 and 506 of IPC were added. Investigation is underway. Apprehending his arrest, the present petitioner had moved an*



*application for grant of anticipatory bail which has been dismissed by learned Additional Sessions Judge, Faridkot.*

*It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, co-accused Happy Singh who is only sixteen years old boy had consumed liquor on the fateful evening and by mistake, had broken a matka in the house of the complainant which was considered to be inauspicious and Happy Singh was not only beaten up by the members of the complainant party but also locked up in a room with his hands tied and when the accused Jugraj Singh came to know about this fact, then he along with his children including the petitioner and some other villagers had gone to the house of the complainant to save his son. A verbal altercation had taken place. The family of the petitioner had also got registered a cross case under Section 323 read with Section 34 of IPC on the same day and even the petitioner had sustained injuries and was admitted in hospital. He is ready to join the investigation. No specific injury had been attributed to him. The injuries, if any, were caused in self defence to the members of the complainant party, he is ready to join the investigation. His custodial interrogation is not required. The subject offences are triable by Magistrate.*

*Notice of motion.*

*On asking of the Court, Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State submits that during the course of investigation, offence under*



*Section 201 of IPC has also been added. He seeks time to file status report.*

*At oral request of learned counsel for the petitioner, Section 201 of IPC is ordered to be added in the head note as well as prayer clause of the main petition. Registry is directed to do the needful.*

*Adjourned to 25.09.2024.*

*In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required. 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. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 28.08.2024 and he is not required for custodial interrogation.

4. 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 22.08.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of terms and conditions requisite for grant of anticipatory bail.

(MANISHA BATRA)  
JUDGE

25.09.2024  
Jyoti-IV

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