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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49837-2024
DECIDED ON: 18.10.2024

JASWINDER KAUR AND ANR.

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Riffi Birla, Advocate
for the petitioners.

Mr. Jaspal Singh Guru, AAG Punjab.

Mr. Ashok Kumar Sama, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court under Section 482 of BNSS, 2023 has been invoked for grant of anticipatory bail to the petitioners in case FIR No. 125 dated 08.07.2024, under Section 323, 148, 149 of IPC (Section 325 and 452 of IPC added later on) registered at Police Station Sadar Fazilka, District Fazilka.

2. Facts:-

"The brief facts leading to the filing of the present bail application are that the present case was got registered on the basis of statement suffered by Nirmal Kaur w/o Charan Singh resident of village Hasta Kalan stating that a dispute with regard to land is going on between her father-in-law Malkiat Singh and Hansa Singh. That on 25.06.2024 at about 8.30 am, when she along with her mother-in-law Sumitra Bai

was present in her house, Hansa Singh came there and raised lalkara to teach them a lesson for the litigation with regard to land. Meanwhile, all of a sudden, Angrej Singh, Varinder Singh (son-in-law of Hansa Singh), Mohan Singh, Sunita Rani wife of Hansa Singh, Jaswinder Kaur wife of Varinder Singh residents of village Hasta Kalan forcibly entered her house by breaking the wooden gate of her house. All the aforesaid assailants started beating them and they tore her clothes. They also dragged her from her hair. Angrej Singh was carrying an iron patti, Mohan Singh was carrying a saria, Varinder Singh, Jaswinder Kaur & Sunita Rani were carrying dangs and sotas and when her husband Charan Singh came forward to rescue them, Angrej Singh gave an iron patti blow hitting head of Charan Singh, Mohan Singh gave saria blow hitting right thumb of her mother-in-law and thereafter, all the assailants caused veiled injuries to her husband and mother-in-law. Jaswinder Kaur also removed gold ear ring of her mother-in-law. When all the assailants were dragging her towards their house, she raised hue and cry, whereupon, seeing the gathering of the people, all the assailants along with their respective weapons took to their heels.”

3. Contentions

On behalf of the petitioner:

Learned counsel for the petitioner submits that the role assigned to the present petitioners would not indicate attraction of Section 325 of IPC qua them inasmuch as it is not very clear from the FIR itself that on which part of the person injuries have been caused. Further there is unexplained delay of 13 days in lodging the FIR. It is on these assertions that anticipatory bail has been pleaded before this Court on behalf of the petitioners.

On behalf of respondent-State

4. Learned State counsel has produced a copy of medico legal report, whereby injury No. 1 on the right arm and forearm which was advised for x-ray and have declared grievous in nature and accordingly Section 325 was added later on.

He could not refer to the role of the petitioners for causing these injuries from any of the documents/record available to him by the Investigating Officer. As per the medico legal report, the injury No.1 suffered by Nirmal Kaur though grievous in nature but not specifically attributable to the petitioners.

5. Analysis

Be that as it may, considering the aforesaid facts and the submissions made on behalf of the petitioner, it is abundantly clear that no specific assertion is coming forth by learned State counsel as to which injury has been caused and weapon used is only a stick added with the fact that the age of the petitioner is 62, this Court therefore, takes a liberal view.

6. Decision

In view of the above, the petitioners are directed to join the investigation within a period of 10 days and in case of doing so, they shall be released on anticipatory bail subject to furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioners shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”

However, it is made clear that in case the petitioners do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

18.10.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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