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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-56374-2024

Date of decision: 16.12.2024

TARLOCHAN SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**Present: Mr.Sunil Agnihotri, Advocate
for the petitioner.

Mr. Neeraj Madaan, Senior DAG, Punjab.

Mr. Rajeev K. Kapila, Advocate
for the complainant.

AMARJOT BHATTI, J.

Petitioner has filed the present petition under Section 482 of BNSS, 2023, for grant of anticipatory bail in FIR No.215, dated 11.09.2024, under Sections 118(1), 351(2) BNS, 2023, registered at Police Station Tanda, District Hoshiarpur.

2. As per facts of the case, Sukhwinder Kaur gave her statement that she is having joint house with her brother-in-law Tarlochan Singh with whom her sister is married. They are residing in separate portion having common court-yard and gate. Tarlochan Singh used to quarrel with regard to the house which was in their possession. On 10.09.2024 at about 8.00 P.M., her husband Parminder Singh was having food and in the meantime Tarlochan Singh brother-in-law came there with iron spade and raised lalkara to teach them a lesson. He gave blow with an iron spade which hit on the middle of her head. She fell down and he gave another blow which

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hit on her hip. He is attributed third blow with spade on her head but she raised her right hand, as a result, it hit on her right arm. On the hue and cry raised by her, her husband and neighbours gathered there. The accused wanted them to leave the house. She was taken to Civil Hospita, Tanda for treatment.

3. Learned counsel for the petitioner argued that petitioner has already joined the investigation. As per the previous order 18.11.2024, recovery of alleged spade has been effected. The dispute took place within the family. He is ready to join the investigation and will abide by the terms of bail order, therefore, his anticipatory bail application may be allowed.

4. Detailed status report has been filed. It is pointed out that present petitioner is specifically named. As per the status report, injuries suffered by the complainant were simple in nature. Opinion of Civil Hospital Tanda, Hoshiarpur is (Annexure R-1).

Mr. Rajeev K. Kapila, Advocate appeared on behalf of the complainant and opposed the bail application by taking the stand that complainant had suffered grievous injury. The report of doctor is incorrect. The doctors have not considered the CT scan report.

Considering the gravity of offence, the petitioner is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. It is confirmed that petitioner has joined the investigation and the weapon of offence is already recovered vide recovery memo dated 22.11.2024. So far as, the nature of injuries suffered by the complainant are concerned, prosecution is relying upon the opinion of doctor of Civil Hospital Tanda, Hoshiarpur, which is (Anneuxre R-1). The injuries were



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Ortho, M.S. Surgery and till date no offence has been added regarding causing grievous injury. Since, the petitioner has already joined the investigation and fully cooperated with the investigating agency, therefore, anticipatory bail petition filed by petitioner – Tarlochan Singh is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/ Investigating Officer concerned, subject to condition that petitioner will join the investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 482(2) BNSS.

(AMARJOT BHATTI)
JUDGE

16.12.2024
monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |