



CRM-M-28190-2024

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

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Date of Decision:- 13.01.2025

Sunil Kumar @ Sathi and Anr.

....Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Amarjot Kaur, Advocate for petitioners.

Mr. Siddharth Sandhu, Assistant A.G., Punjab.

Mr. Manoj R. Sharma, Advocate for complainant.

AMARJOT BHATTI, J.

1. Petitioners – Sunil Kumar @ Sathi and Varinder @ Dharminder @ Baba have filed petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.307 dated 14.11.2023, under Sections 354, 323, 34 of IPC, 1860, registered at Police Station Civil Lines Batala, District Gurdaspur.
2. As per facts of the case, prosecutrix gave her statement that she got married with Deepu in 2021 and due to matrimonial dispute she returned to her parental house in village Lamma. She developed relationship with Sanjeev son of Narayan Giri and also filed criminal writ petition seeking protection as they were in live-in relationship. On 12.11.2023 at about 12:00 PM, she was returning home after purchasing groceries when Shakti armed with *sota*, Robin armed with *iron rod*, Dharminder alias Baba armed with



datar, Sathi armed with *sota* attacked her and caused her injuries as detailed in the FIR. Shakti and Robin had torn her clothes with an intention to outrage her modesty. Her brother-in-law Dilbagh Singh came forward who was also slapped. On hue and cry raised by them, the aforesaid accused ran away with their respective weapons. She was taken to Civil Hospital, Batala for treatment. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that it is a case of version and cross-version. On the statement of Robin, another FIR No.304 dated 13.11.2023 was registered under Sections 307, 148, 149 of IPC, 1860 and Sections 25, 27 of Arms Act, 1959. Allegations levelled against them are false. There is delay of two days in lodging the FIR. They were granted interim bail vide order dated 30.05.2024 and they have joined the investigation and fully cooperated with the investigating agency. It is prayed that interim bail already granted in their favour may be confirmed.

4. Bail petition is opposed by learned counsel representing complainant. It is pointed out that even after this incident another FIR has been registered bearing No.186 dated 03.07.2024 regarding another incident in which petitioner No.2 is again arrayed as accused along with other co-accused. Learned counsel for the complainant confirmed that parties are levelling allegations against each other. As a result of this, FIRs are lodged against both the sides.

5. Learned counsel representing State confirmed that both petitioners have joined investigation and in pursuance of the same alleged weapons of offence have been recovered and they are not required for any other purpose.



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6. I have considered the aforesaid factual position. From the documents on record, it is evident that complainant as well as accused levelled allegations against each other and FIRs are also registered against them. So far as present occurrence is concerned, both petitioners have joined investigation and fully cooperated with the investigating agency. Alleged weapons of offence were also recovered. So far as other FIRs are concerned, those will be considered on its own merits. No purpose would be served by sending petitioners behind the bars.

7. Considering the aforesaid factual position, without going on merits of the case, *interim* bail already granted in favour of petitioners – Sunil Kumar @ Sathi and Varinder @ Dharminder @ Baba vide order dated 30.05.2024 stands confirmed, subject to the conditions as enshrined under Section 438(2) of Cr.P.C.

8. Petition is accordingly allowed.

9. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

13.01.2025

Sunil Devi

(AMARJOT BHATTI)
JUDGE

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