
(2010) 09 P&H CK 0403

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-21373 of 2010

Deepak Kumar and Others

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision: Sept. 9, 2010

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Penal Code, 1860 (IPC) - Section 148, 149, 323, 325, 354

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Judgement

Mehinder Singh Sullar, J.

Invoking the provisions of Section 438 CrPC, the petitioner have directed the present petition for anticipatory bail in a case registered against them, vide FIR No. 136 dated 4.7.2010 (Annexure P1), on accusation of having committed the offence punishable under Sections 323, 354 and 452 IPC (Sections 325, 148 and 149 IPC were added subsequently) by the police of Police Station A-Division, Amritsar City.

2. Notice of the petition was issued to the State.

3. Concisely, the prosecution claimed that on 30.6.2010 at about 5.30 P.M., the children of the complainant party and accused party had some quarrel while they were playing. In the wake of fight between the children of the parties, it was alleged that the petitioners came and entered the house of complainant Savita wife of Rajinder Kumar and caused injuries to them. On the basis of statement of the complainant, the present case was registered against the accused in the manner indicated here-in-above.

4. After hearing the learned Counsel for the parties, after going through the record with their valuable assistance and after deep consideration of the matter, to my mind, the petitioners are entitled to anticipatory bail.

5. It is not a matter of dispute that all the offences alleged against the petitioners (except offence u/s 452 IPC) are bailable and triable by the Court of Magistrate. The occurrence originated on a trivial dispute/quarrel of the children of the parties. Whether the penal provisions of Section 452 IPC are attracted to the facts of this case would be a moot point, to be decided during the trial of the case. Moreover, there is a delay of four days in lodging the FIR.

6. So, taking into consideration the nature, gravity of the accusation, antecedents of the petitioners and totality of the facts and circumstances, emanating from the record, as discussed here-in-above, the present petition for anticipatory bail is allowed. In the event of arrest, the petitioners shall be released on bail on their furnishing bail/surety bonds in the sum of Rs. 10,000/- each to the satisfaction of Arresting Officer.

7. However, the petitioners are directed to make themselves available for interrogation by the Investigating Agency as and when required. They 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.