

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

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CRM-M-20448 of 2015

Gurdev Singh @ Phuman

....Petitioner

versus

State of Punjab

...Respondent

AND

CRM-M-23215 of 2015

Surinder Singh

....Petitioner

versus

State of Punjab

...Respondent

Date of decision: 27.07.2015

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Rajvir Singh, Advocate for the petitioner.

Mr. S.S. Chandumajra, DAG, Punjab.

Mr. Lalit Rathore, Advocate for the complainant.

PARAMJEET SINGH, J.

This order will dispose of the above mentioned petitions which have been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.85 dated 26.04.2015, registered under Sections 307, 323, 324, 341, 506, 427, 148, 149 of IPC at Police Station Machiwara, District Ludhiana.

Learned counsel for the petitioner, as regards Gurdev Singh @ Phuman, contends that the injuries have been attributed to three persons namely Mohinder Singh, Joga Singh and Gurdev Singh @ Phuman and at this stage, it cannot be identified as to who caused this injury. It is a case of version and cross-version. Learned counsel for the petitioner, as regards Surinder Singh, submits that only simple injury on the head has been attributed to him.

Per contra, learned State counsel submits that specifically, three injuries at the same place have been inflicted on the right arm of the victim. One of the injuries on the right arm has been attributed to the petitioner. The MLR as well as the opinion of Doctor reveal that the injuries are grievous in nature and arm was on the verge of amputation. Learned State counsel also submits that the case set up as cross-version by the petitioners has been found to be false.

I have considered the contentions of the learned counsel for the parties.

Admittedly, there is a specific injury attributed to the petitioner, namely, Gurdev Singh @ Phuman which is grievous in nature and the opinion of Doctor also shows that the injury was dangerous to life. So far as the injury attributed to Surinder Singh is concerned, the injury is on the head. Although it has been shown that it was simple in nature, the fact is that same is on vital part of the body. There are serious allegations against both the petitioners that they had come with deadly weapons along with others and have caused injuries. The offences under Sections 148

and 149 IPC are there, they cannot be granted any concession of anticipatory bail. Custodial interrogation and recovery of weapons used in the alleged crime is necessary. It is also common that when the injuries are allegedly caused by many persons with deadly weapons, it becomes difficult to specifically attribute the same at initial point of time. However, it can be seen by the Investigating Agency during investigation.

There is no ground to grant anticipatory bail to the petitioners.

Dismissed.

(PARAMJEET SINGH)
JUDGE

July 27, 2015

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