

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

**CRM-M No. 11236 of 2016 (O&M)
Date of Decision: 11.05.2016**

Gudpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Sanjivan Singh.

Mr. P.B.S. Goraya, Advocate
for the complainant.

JASWANT SINGH, J.

Prayer in this petition under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail on behalf of the petitioner-accused-Gudpal Singh in case FIR No. 88, dated 23.07.2015, for offences punishable under Sections 307, 324, 323, 452, 34 of the Indian Penal Code, registered at Police Station Goindwal Sahib, District Tarn Taran.

The allegations of the prosecution are that four armed accused persons with muffled faces entered the house of the son of the complainant-Amrik Kaur on 22.07.2015 at 11.30 p.m. and inflicted injuries on her son-Sukhchain Singh and grandson Gurpreet Singh.

It is submitted that from the perusal of the MLR at **P-8**, the injury no.1 suffered by Sukhchain Singh would be grievous in nature and

the other three injuries are simple in nature. There are two injuries on the grand-son which are simple in nature.

It is contended that two of the co-accused have since been arrested and one of them has been released on bail. It is urged that petitioner has been falsely roped in on account of previous dispute between the parties, apart from the fact that no specific injury has been attributed to any of the accused.

It is next contended that pursuant to the interim protection granted to the petitioner by this Court vide order dated 01.04.2016, the petitioner has joined the investigation and nothing is to be recovered.

Upon notice, the prosecution has filed a reply of the Deputy Superintendent of Police, Investigation, Tarn Taran, on affidavit. The same is taken on record.

Learned State counsel based on the contents of the affidavit has argued that there is an old enmity between the parties because of a land dispute. She submits that victims-injured persons Sukhchain Singh and minor Gurpreet Singh have corroborated the version of the complainant-Amrik Kaur. It has come on record that injury No. 1 on the head of Sukhchain Singh has been attributed to the present petitioner with his *sword*. The said injury has been found to be declared *bone deep*, attracting the offence under Section 307, IPC, inflicted by trespassing into the house at night when the complainant party were fast sleeping. A copy of the MLR and opinion of doctors has been placed on record. Injured-Gurpreet Singh, a minor age of eleven years, who was found to be in severe trauma, has also corroborated the version of the injured Sukhchain Singh and eye-witness account of the complainant-Amrik Kaur.

Keeping in view the nature and gravity of the alleged offences and manner of inflicting injuries, no case for grant of pre-arrest bail to the petitioner is made out.

Accordingly, the present petition stands dismissed.

May 11, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	No