

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22723-2016
DECIDED ON: July 25, 2016

AAKASHDEEP @ HARPREET SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Bikramjit Aroura, Advocate,
for the petitioner.

JASPAL SINGH, J.

This is a second petition under Section 438 of the Code of Criminal Procedure seeking pre-arrest bail in case FIR No. 80, dated 10.06.2015, under Sections 323, 336, 506, 148, 149 IPC and Section 25 of the Arms Act, Police Station B-Division Amritsar, lateron added offences under Sections 326, 324 IPC and to issue an appropriate directions to SHO/IO to release the petitioner on bail in the event of arrest in the above referred FIR.

2. The contention of learned counsel for the petitioner is that the petitioner has been falsely roped in the instant case. In fact, it is a version and cross-version case as the petitioner also sustained injuries during the course of occurrence. Moreover, on the basis of application moved by the father of the petitioner for the cancellation of FIR in question, the matter was inquired into by the police, during which, it was found that the complainant-party has been

falsely implicated his family members namely Gurpreet Singh, Ranjit Singh @ Giani, Manjit Singh @ Gabbar, who were found innocent. However, the petitioner and his father were wrongly proceeded against as an accused due to some political influence exercised by the complainant party. Moreover, during the alleged occurrence, injuries which have been attributed to the petitioner are on non-vital parts of the body, which have been either self-suffered by the injured/complainant or are result of friendly hands. Otherwise also, it was the complainant-party, who was aggressive one, who not only forcibly barged into the house of the petitioner in a drunken condition but also commit cognizable offence but due to their political influence, they managed to register the present FIR against the petitioner and others. The complainant-party is also involved in different incidents and so many FIRs have been registered against them. Moreover, the petitioner is ready to join the investigation, in case, he is granted the concession of pre-arrest bail.

3. This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner and perused the records available.

4. Admittedly, initially the FIR was registered under Sections 323, 336, 506, 148, 149 IPC and Section 25 of the Arms Act but subsequently, offences under Sections 326/324 IPC were added.

5. A glance at the MLR of Balwinder Singh son of the complainant depicts that there were as many as 19 injuries on his person, out of which, some were of grievous in nature and it was only due to the said reason offence under Section 326/324 IPC has been added.

6. No doubt, it is a version and cross-version case but at this stage, it

is difficult to observe as to which party was the aggressive one. Causing of as many as 19 injuries on the person of Balwinder Singh reflects towards the intention of the petitioner and his cronies. Moreover, there are specific allegations that he was also armed with fire arm at the time of alleged occurrence and the recovery of other weapons can only be effected by way of custodial interrogation. Otherwise also, this Court is of the considered view that in the absence of custodial interrogation of petitioner, investigation of this case is likely to be stultified.

7. Thus, this Court does not find any merit in the instant petition. As such, same is dismissed.

July 25, 2016
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(JASPAL SINGH)
JUDGE