

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

CRM-M-2887 of 2016

Date of Decision : January 29, 2016

Labh Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Akhilesh Vyas, Advocate
for the petitioner.

T.P.S. MANN, J. (Oral)

Prayer made in the petition filed by Labh Singh is for grant of anticipatory bail to him in FIR No. 45 dated 14.5.2013 under Sections 323, 324, 326, 148 and 149 IPC registered at Police Station Ramdas, District Amritsar.

The aforementioned FIR was registered at the instance of Tarlok Singh, who had stated that on 11.5.2013 at around 8.00 a.m., when he was going towards his tubewell to have a round of his fields and had taken turn near Gurudwara, the petitioner while armed with a Datar, Balwinder Singh with a Gandasi, Ninder Kaur and Rajwinder Kaur, who were empty handed and Wariam Singh armed with a stick were standing there. Ninder Kaur raised a lalkara that the complainant be caught hold of and taught a lesson for purchasing land from their uncle. Labh Singh thereafter, gave a Datar blow which hit the

complainant on the left side of his head. Balwinder Singh gave a Gandasi blow from its reverse side which hit on the right elbow of the complainant. As a result, he fell down. Wariam Singh gave a Dang blow hitting the complainant in his abdomen. Both Rajwinder Kaur and Ninder Kaur gave kick blows to him. An alarm was raised by the complainant and, accordingly, all the accused ran away from the spot while carrying their respective weapons.

Further case of the prosecution is that after the occurrence, complainant Tarlok Singh was taken to Civil Hospital Ramdas from where he was referred to Guru Nanak Dev Hospital, Amritsar, vide slip No. E-230 dated 11.5.2013. The complainant was medico legally examined on 13.5.2013 at 10.30 a.m. and during such examination three injuries were noticed on his person. Injury No. 1 was a linear sutured wound 8.2 cm with 9 black sutures present over left parietal region of head, injury No. 2 was reddish brown scabbed abrasion over the lateral aspect of right arm while injury No. 3 was bluish purple bruise over front side of trunk in lower part. All the injuries were subjected to X-Ray. Subsequently, Dr. Jatinder Pal Singh of the Department of Forensic Medicine and Toxicology, Government Medical College, Amritsar, declared injury No. 1 as grievous in nature, having been caused by sharp edged weapon.

Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail but the same was dismissed by learned Additional Sessions Judge, Amritsar, vide order dated 5.10.2013. The petitioner, thereafter, moved this Court for the concession of anticipatory bail by filing Criminal Misc. M-11610 of 2014, which came up for preliminary hearing on 2.4.2014, when after hearing the counsel for the petitioner, the Court directed him to place on record the medico-legal report. On the adjourned dated, i.e.1.5.2014, neither there was any representation on behalf of the petitioner nor medico-legal report in question had been placed on record. Under these circumstances, this Court had no other option but to dismiss the petition filed by the petitioner for want of prosecution. An year and nine months later, the petitioner has once again moved this Court for the grant of concession of anticipatory bail by filing the present petition.

It is submitted that the FIR lodged at the instance of complainant Tarlok Singh is nothing but a counter blast to the criminal complaint dated 5.12.2008 (Annexure P-3) instituted by Balwinder Singh, father of Labh Singh petitioner against Tarlok Singh complainant and nine others under Sections 326/324/323/452/148/149/506 IPC. It is also submitted that the petitioner has submitted an application dated 16.5.2013

(Annexure P2) before the Deputy Inspector General of Police, Border Range, Amritsar to the effect that he is being falsely implicated in the present case whereas complainant Tarlok Singh had suffered injuries after falling from his motor-cycle and no such occurrence as mentioned in the FIR had taken place.

Having heard learned counsel for the petitioner and on going through the various documents appended with the petition as Annexures P1 to P6, this Court is of the considered view that the petitioner is attributed causing of injury on a vital part of complainant Tarlok Singh, i.e. on the left side of his head with a Datar which injury was, subsequently, found to be grievous in nature and caused by a sharp edged weapon. It cannot be said at this stage that the injuries were received by complainant Tarlok Singh after falling from a motor-cycle. Merely because father of the petitioner had given a complaint against complainant Tarlok Singh and others is no ground to hold that the present FIR has been got registered as a measure of counter-blast, more so, when the said complaint was instituted 4½ years before the present occurrence. As regards the application submitted by the petitioner to the Deputy Inspector General of Police for conducting an enquiry in the present case that by itself is not sufficient to grant him the concession of anticipatory bail. Such type of application can be submitted by anyone who may be

apprehending his arrest in a criminal case. However, mere submission of such an application before the senior police officer is not sufficient to conclude that the petitioner is being falsely implicated in the case.

In view of the above, no case is made out for granting concession of anticipatory bail to the petitioner. The petition is, therefore, dismissed.

January 29, 2016
amit rana

(T.P.S. MANN)
JUDGE