

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

CRM-M No.32654 of 2016

Date of decision: September 16, 2016

Gurpreet Singh @ Gopi and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioners.

JASPAL SINGH, J.(ORAL)

The instant petition has been preferred by the petitioners under Section 438 of Code of Criminal Procedure, seeking pre-arrest bail, feeling apprehension of their arrest, in case bearing FIR No.38 dated 05.06.2016, under Sections 452, 323, 506, 34 of Indian Penal Code registered at Police Station Sandaur, District Sangrur.

The instant FIR has been registered at the instance of complainant-Mr. Rashid Khan to the effect that on 4th June, 2014 at about 04:15 am Gurpreet Singh @ Gopi, his brother Kuldeep Singh @ Keepa and Gurpreet Singh son of Major Singh trespassed his house while he was sleeping and attacked on him. Gurpreet Singh @ Gopi hit him with flat weapon stick on his head. Gurpreet Singh son of Major Singh gave stick blow on the left and right arm of complainant. They also caused injuries to his wife. They raised raula of *marta marta*. All the three assailants, after giving them threat to kill ran away.

Learned counsel for the petitioners has contended that injuries in the present case are simple in nature and attract on the offence under Section 320 IPC. Except Section 452 IPC, all other offences are bailable. There is delay in lodging the FIR and, therefore, false implication of the petitioners cannot be ruled out. Learned counsel has further contended that petitioners are ready to join the investigation and shall abide by all the conditions imposed upon them in case they are granted the concession of pre-arrest bail.

This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioners and gone through the record available on file.

During investigation, it was transpired that though accused party was admitted in the hospital due to attack upon them but the doctors reported that accused were not in the hospital when an alleged attack was made. Injuries (including head injury) have been caused to the complainant and his wife while they were sleeping. Investigation is at initial stage and grant of anticipatory bail may hamper fair investigation of the case. This Court is of the considered view that this is not a fit case to exercise the discretion envisaged under Section 438 Cr.P.C.

Dismissed.

September 16, 2016
m. sharma/avin

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No