

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

Date of Decision: 04.07.2017.

CRM-M-12525-2017

Harinder Singh @ Hinda

....Petitioner.

VERSUS

State of Punjab

....Respondent.

AND

CRM-M-12526-2017

Harjinder Singh

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Ferry Sofat, Advocate for the petitioners.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

SNEH PRASHAR, J.

The petitioners are wanted in case bearing First Information Report No.31 dated 01.03.2017 under Sections 323, 324, 326 read with Section 34 of the Indian Penal Code (for short, 'IPC') registered at Police Station Majitha, District Amritsar. Apprehending their arrest, they had moved the above captioned two petitions for being given the benefit of anticipatory bail.

The submissions made by Mr. Ferry Sofat, learned counsel representing the petitioners and Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab have been heard.

In his statement, which formed the basis of First Information Report, complainant Mandeep Singh stated that on 08.02.2017 at around 11:00 a.m., when he was going from his house to the house of his uncle Sukhjit Singh son of Gurmej Singh, he was waylaid by Mangal Singh son of Kartar Singh and his son Harinder Singh alias Hinda and was caused injuries with a *Datar* by Harinder Singh alias Hinda, son and Harjinder Singh, brother of Mangal Singh. His shouts attracted his uncle Jitender Singh son of Gurnam Singh who came forward and saved him.

Three injuries, all with sharp edged weapon, were suffered by the complainant. As per the X-ray report and the opinion of the doctor, injuries No.1 and 3 were grievous in nature and injury No.2 was declared simple.

Learned counsel for the petitioners argues that while the occurrence was alleged to have taken place on 08.02.2017, the First Information Report was registered on 01.03.2017 i.e. after a delay of 21 days. The long unexplained delay in lodging the First Information Report renders the statement of the complainant doubtful. Learned counsel also contends that without taking opinion of the doctor, the police outrightly registered the case under Section 326 IPC simply on the basis of statement of the complainant which shows that due to some extraneous reason, the petitioners have been falsely implicated.

on 08.02.2017, but the statement of the complainant was recorded on 01.03.2017 and on the same day the First Information Report was registered. The argument of learned counsel that the delay in lodging of the First Information Report had remained unexplained is not tenable as it was specifically stated by the complainant that immediately after the occurrence he was admitted in the hospital by his father and cousin and since that day some respectables of his village had been trying to get the matter compromised, but it did not work out. It is also a misconception that without proper opinion of the doctor, the case was registered under Section 326 IPC. Learned State counsel submitted and is also mentioned in the First Information Report that as per the medico legal report, X-ray report and the doctor's report, injuries No.1 and 3 suffered by the complainant were grievous in nature and injury No.2 was simple and all three had been inflicted with a sharp edged weapon.

Learned State counsel submitted that the weapons used by the petitioners during commission of crime are to be recovered from them.

The complainant suffered serious and grievous injuries. The weapon used is yet to be recovered. Thus, in view of facts and circumstances, finding no ground for giving benefit of anticipatory bail to the petitioners, both the petitions are dismissed.

(SNEH PRASHAR)
JUDGE

04.07.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No