

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-14687 of 2017
Date of Decision: 1.5.2017

Gurdeep Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Ms. Riffi Birla, Advocate
for the petitioner

Rekha Mittal, J.

The petitioner prays for grant of pre arrest bail in FIR No. 170 dated 3.11.2016 under Sections 354, 342, 323, 148, 149, 506, 376, 511 of the Indian Penal Code (in short "IPC") registered at Police Station, Dharamkot, District Moga.

Counsel for the petitioner would submit that initially, there was no offence registered under Sections 376/511 IPC but the same was added later. It is further submitted that as per allegations raised in the FIR, the present petitioner gave a kirpan blow on the right cheek of Mintu son of the complainant but the said injury, at best, would constitute offence under Section 324 IPC, bailable in nature. It is further submitted that the petitioner is ready to join investigation and co-operate throughout.

I have heard counsel for the petitioner and perused the paper book.

As per averments brought forth by the complainant, Bharat Singh gave six blows of *daang*, three on his (complainant's) right arm, below the elbow and back side of right hand, two on left shoulder and one on back of left foot. Gurdeep Singh co-accused gave khanda blow which hit on the right side of forehead of the complainant. Mintu son of the complainant came forward and the present petitioner gave kirpan blow which hit on his right cheek. The assailants caused injuries to son and daughter of the complainant and forcibly took away Manpreet Kaur his daughter and Amarjit Kaur his wife to their house, attacked them and torn clothes of Manpreet Kaur with intention of insulting her and Gurdeep Singh was raising lalkaras to drag them inside. Weapon of offence is yet to be recovered. Concession of bail in anticipation of arrest is available in extraordinary circumstances if the Court arrives at a conclusion that a false case has been registered.

In view of the facts and circumstances of the present case, I do not think it to be a fit case wherein the petitioner deserves to be allowed bail in anticipation of arrest.

Dismissed.

(Rekha Mittal)
Judge

1.5.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No