

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

CRL. MISC. No.M-2945 OF 2017
DATE OF DECISION : 8th SEPTEMBER, 2017

Gurwinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. S.P.S. Sidhu, Advocate for the petitioner.
 Mr. Dhruv Dayal, Sr. D.A.G. Punjab.
 Mr. Ravi Kamal Gupta, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties.

This is the second petition for grant of anticipatory bail in
FIR No.19 dated 18.01.2015 registered under Sections 302, 307, 452 read
with 34 IPC at Police Station Sahnewal, District Ludhiana.

Seen the FIR as well as the evidence that has been recorded
in the trial Court.

Learned counsel for the petitioner vehemently argued that
the petitioner was declared innocent by the police. As a matter of fact,
the husband of the complainant and the complainant were forcibly taken
out of the car and were assaulted by number of persons. The FIR was
lodged within six hours of the incident. The name of the present
petitioner was specifically mentioned in the FIR, not only that, specific

role was attributed to the petitioner as to the assault on the chin of the deceased by means of *kirch*.

Learned counsel for the petitioner submits that the medical report however, do not show any injury attributable to the petitioner and therefore the petitioner would be entitled to grant of bail.

The submission that he has already furnished the bail, pursuant to the interim order made by this Court, does not impress this Court because that was subject to the final decision in that petition.

Having considered the entire matter in the correct perspective I really wonder as to how the police could have declared the petitioner innocent as there is clear-cut evidence against the petitioner in the FIR that the wife of the deceased who was going together in a car. The deceased was attacked in very cruel manner by the assailants. Insofar as the petitioner is concerned the injuries attributed to him by means of *kirch* in the FIR as well as deposition before the trial Court, even if prima facie as contended by learned counsel for the petitioner there is no correspondent injury attributed to the petitioner, that is a matter to be assessed on evidence in the trial Court. This Court cannot pre-judge the issue at this stage at any rate. The petitioner having been named in the FIR, which is lodged within six hours of the incident and the deceased as well as the complainant were taken out of the car forcibly and assaulted, I do not think that the petitioner should be extended the relief of anticipatory bail. Prima facie, according to me the police must have declared him innocent for extraneous consideration.

In that view of the matter, the petition stand dismissed.

However, the observations made hereinabove are only for the limited purpose of deciding the present bail petition, without expressing anything on merits of the case.

8th SEPTEMBER, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>