

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

**CRM-M-32349-2018
Date of decision: 03.08.2018**

Gagandeep

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ramesh Chander, Advocate for
Mr. Rohiteshwar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Jasraj Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 438 read with Section 482 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 50 dated 05.04.2018, registered under Sections 307, 323, 324, 148 and 149 of the IPC at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on the statement of complainant Rajbir Singh, on 03.04.2018 at about 6:30 AM, when he was going on his motorcycle, a vehicle, make Mahindra XUV, hit his motorcycle with an intention to kill him. Thereafter, Pawan @ Shownky, armed with *Datar*, and Gagandeep (present petitioner) armed with *Khanda*, Gurkirat Bhinder, armed with *Kirpan*, Deepu Pahalwan, armed with *Khanda* and three-four unknown persons, who were holding baseball bat etc. came out of the said

vehicle and Deepu Pahalwan raised *lalkara* that catch hold of the complainant, upon which, Pawan @ Shownky gave three blows of his *Datar* to the complainant with intention to kill him which hit right side of his skull and just above the elbow of his left arm. Thereafter, petitioner Gagandeep gave two blows of his *Khanda* which hit the complainant on his right biceps and wrist of his right arm. Similarly, other co-accused also gave blows to the complainant with their respective weapons.

Learned counsel for the petitioner submits that Pawan @ Shownky has already been arrested and the injuries, invoking the provisions of Section 307 IPC, have been attributed to him. It is further submitted that the petitioner was medico-legally examined on the same day at Civil Hospital, Dasuya at 10:00 AM as he had also suffered injuries.

In reply, learned State counsel, on instructions from ASI Jasbir Singh, assisted by learned counsel for the complainant, has opposed the prayer of the petitioner on the ground that the complainant has suffered as many as 11 injuries at the hands of the accused persons who came in conspiracy with each other and have caused multiple injuries to the complainant. Learned State counsel has further submitted that the distance between the place of occurrence and Civil Hospital, Dasuya, where the petitioner is alleged to have gone for medical check up, is only 15 Kms., however, there is a gap of about four hours in reaching the petitioner to Civil Hospital, Dasuya from the place of incident where the complainant was beaten up mercilessly.

I have heard learned counsel for the parties and considering the fact that the petitioner, in conspiracy with other co-accused have caused multiple injuries to the complainant out of which, one injury was declared to

be dangerous to life, invoking the provisions of 307 IPC, I find no ground to grant anticipatory bail to the petitioner.

Therefore, the present petition is dismissed.

August 03, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No