

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

**CRM-M-45304-2018 (O&M)**

Date of Decision:- 17.10.2018

Sandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. P.S.Ahluwalia, Advocate, for the petitioner.

Mr. A.S.Sandhu, Addl. A.G. Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.39 dated 3.9.2018, under Sections 323, 324, 427, 452, 148 and 149 IPC (Section 326 IPC added later on), Police Station Mattewal, Amritsar.

The FIR was lodged at the instance of Gurpreet Singh who has alleged that on the day of occurrence Sandeep Singh, Gurpratap Singh holding 'datar', Harpreet Singh @ Rajan, Ranjit Singh @ Rana, Manjit Singh, Sadhu @ Kaka, Lovepreet Singh @ Lovely holding 'baseball bat', Kulwinder Singh holding a 'sword', Rajan Singh @ Bhundi holding a 'spade's handle' came in the street, outside the house of the complainant and when the complainant went out Sandeep Singh and Gurpratap Singh raised a

lalkara exorting their companions to cause injuries to the complainant and pursuant thereto complainant Gurpreet Singh went inside the house. The accused followed him and accused caused injuries to him with their respective weapons. The petitioner is alleged to have attacked the complainant with a 'datar' hitting him on his right elbow.

Notice of this petition was issued to respondent.

Learned counsel for the petitioner has submitted that the FIR has been lodged by levelling false allegations mainly on account of party faction and that the falsity of the FIR is evident from the fact that even the complainant party has sustained injuries including incised wound for which there is no explanation in the FIR and has thus submitted that the genesis of the occurrence has been suppressed and no reliance can be placed upon the allegations levelled in the FIR and that the petitioner is entitled to grant of anticipatory bail.

On the other hand learned State counsel has submitted that since a large number of accused armed with weapons and entered the house of the complainant and caused injuries which are duly substantiated from the MLR, no case for grant of anticipatory bail is made out.

I have considered the rival submissions addressed before this Court. While a perusal of the MLR in respect of Gurpreet Singh does reveal that he has sustained two injuries including one incised wound on his right forearm which has been declared to be a 'grievous injury', but at the same time it is also evident that Joginder Singh of the accused party had also sustained 4 injuries including an incised wound measuring 10.4 x 2.1 CM on his head. It is further revealed from perusal of the aforesaid MLR (Ex.P-2 and P-4) that while Gurpreet Singh was examined in the hospital at 7.20

p.m. accused Joginder Singh was examined at 2.45 p.m. i.e. much earlier than complainant Gurpreet Singh. There is no explanation in the FIR for the injuries sustained on the side of the accused party. The nature of injury i.e. an incized wound on the head of Joginder Singh would leave much to be explained and it would certainly be debatable as to which of the party was the aggressor party.

Having regard to the facts and circumstances of the case, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

**October 17, 2018**  
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**(Gurvinder Singh Gill)**  
**Judge**

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |