

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

**CRM-M No.8207 of 2019
Date of Decision:26.03.2019**

Harmeet Singh @ Hanni

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.PKS Phoolka , Advocate for the petitioner.
Mr.C.L.Pawar, Sr.DAG, Punjab.
Mr. S.S.Majithia, Advocate for complainant.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of pre arrest bail to the petitioner in case FIR No.02 dated 04.01.2019, registered under Sections 308, 325, 341, 323, 148 and 149 of the Indian Penal Code registered at Police Station Nahianwala, District Bathinda.

As per the FIR, on 30.12.2018 when complainant Harpreet Singh @ Happy was returning from walk and reached near liquor vend English Goniana Mandi bypass then at about 09:30 pm, one car bearing no. HR-26-4293 Tata Marina driven by Harmeet Singh @ Honey, who was having iron rod, along with Harmeet Singh @ Hanni, who was having baseball Bat and three unidentified persons having dandas/soties, came behind him and then Harmeet Singh @ Honey gave lalkara that do not leave him and also gave iron rod blow on the left side of his head and Harmeet Singh @ Hanni gave baseball bat blow towards him and he in order to save himself raised

his hand and baseball bat hit on the wrist of his left arm and the other unidentified persons gave beatings to him with dandas/soties and then he fell down. Thereafter, Harmeet Singh @ Hanni gave baseball bat blow on his back due to which, injuries were caused on his back. All those persons gave beatings to him and when he fell down on raising raula, all of them ran away from the spot with their respective weapons.

It is contended by learned Counsel for the petitioner that the FIR in question is the counter blast to the FIR No.0139 dated 16.10.2018, under Sections 324,341 and 506 IPC, registered at Police Station Nehianwala. Also contends that injury in the present case cannot be ascribed to be dangerous to lie in as much as Section 308 IPC has been added later on. It is also the argument of the learned counsel for the petitioner that there is delay of 5 days in lodging the FIR as the occurrence is alleged to have taken place on 30.12.2018 and the FIR in question has been registered on 04.01.2019.

On the other hand, learned State Counsel has opposed the bail application primarily on the ground that injury caused to Harpreet Singh @ Happy is on the vital part of the body with the iron rod which hit on the left side of his head. Also contends that right from the date of occurrence i.e 30.12.2018, the injured remained admitted in Civil Hospital, Mandi in unconscious condition till date of registration of FIR, therefore, his statement could not be recorded and that is the only reason that delay in lodging of the FIR has occurred.

Heard both sides and perused the paper book.

There is no doubt that injury has been caused on the head of the

CRM-M No.8207 of 2019

injured with an iron rod that is the vital part of the body. This is also a matter of record that he remained unconscious till registration of FIR in question, therefore, custodial interrogation of the petitioner is very much required for making the recovery of the alleged weapon as well as for effective investigation of the case.

In view of the above, no ground for grant of pre arrest bail is made out.

Dismissed.

The above observations may not be construed as an expression of opinion on merits of case.

26.03.2019
mamta

(MAHABIR SINGH SINDHU)
JUDGE

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