

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-14099-2019 (O&M)
Date of Decision:- 7.5.2019

Angrej Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Puja Chopra, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.174, dated 2.10.2018, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib, under Sections 307, 308, 34 IPC.
2. The FIR was recorded at the instance of Gurleen Singh wherein it has been alleged that on 23.9.2018, when he went to his fields, he saw Gurwinder Singh @ Ginda along with Shishu Gill standing in front of the room in his fields. When the complainant objected as to why they had entered into the fields by removing the wires in the fields which have been fixed to keep stray cattle away, the aforesaid two persons got annoyed and pushed him and went away while abusing.

It is alleged that later when the complainant was returning back home on his motorcycle at about 8.30 pm, then he was way-laid by Gurwinder Singh @ Ginda who was armed with 'kappa', Shishu Gill who was also armed with 'kappa', Angrej Singh armed with an 'iron rod' and Hansa Mali who was also armed with an 'iron rod'. It is alleged that Shishu Gill raised a lalkara exhorting his companions to teach the complainant a lesson. It is alleged that thereafter Gurwinder Singh @ Ginda gave a blow with 'kappa' from its reverse side on the head of the complainant near his ear. Shishu Gill is stated to have given a blow with 'kappa' from its reverse side on the backside of the head of the complainant and Hansa Mali also hit the back side of the head of the complainant with an 'iron rod'. Petitioner-Angrej Singh is stated to have given a blow with 'iron rod' near ear of the complainant on the left side as a result of which the left ear was got cut. It is further alleged that while the complainant was lying down, all the accused gave more injuries with their respective weapons.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged after consultation and the falsity would be evident from the fact that FIR came to be lodged after about 9 days of the occurrence. Learned counsel has further pointed out that while in the FIR the occurrence is stated to have taken place at 8 pm, in MLR (Annexure P-2) the time of occurrence is stated as 9.20 pm. Learned counsel has further submitted that although in the FIR there is a reference that several persons had gathered at the spot and it was

thereafter the accused fled away but surprisingly no independent witness has been mentioned in the list of witnesses in the challan filed against co-accused. It has further been submitted that the petitioner is a young man and as such deserves the concession of anticipatory bail.

5. Opposing the petition, learned State counsel has submitted that not only the petitioner is specifically named in the FIR but even the injuries attributed to the petitioner as well as to other co-accused stands duly substantiated from the medical evidence.
6. I have considered the aforesaid submissions. The MLR reveals the following injuries on the person of the complainant:

- “1. Lacerated wound of size 3 X 0.5 X 0.5 cm present on upper side of left pinna & 2 X 0.5 X 0.5 cm on left ear lobule fresh bleeding present.
2. Lacerated wound of size 3 X 0.5 X 0.5 cm present on left mascaill (below the ear) region, fresh bleeding present. Adv. CT.
3. Lacerated wound of size 4 X 0.5 X 0.5 cm present on left parietal occipital temporal region, Fresh bleeding, Adv. CT.
4. Lacerated wound of size 2.5 X 0.5 X 0.5 cm on left occipital region, fresh bleeding, Adv. CT Scan.
5. Lacerated wound of size 2 X 0.5 X 0.5 cm on midline of occipital region, fresh bleeding present, Adv. CT Scan.
6. Abrasion of size 5 cm X 2 cm present on right side of forehead just 1.5 cm above Right Eyebrow, oozing of blood present.

7. Lacerated wound of size 4 X 0.5 X 0.5 cm present on left upper side of Lip odima of left eye part. Adv. CT Scan.”
7. A perusal of the aforesaid injuries show that although the injuries apparently had been caused with the blunt edged weapons and are described as lacerations but evidently the same had been caused with great force as six of the injuries resulted in bleeding from vital parts of the complainant including his head. Out of the 7 injuries, 3 are on occipital region, one is on forehead, one on ear and another near the lip indicating that it was the face and head of the petitioner which had been targeted. The fact that there has been delay in lodging the FIR would not be of much consequence at this stage, more particularly when the delay is rather explained inasmuch as the complainant is stated to have become unconscious after the occurrence.
8. Having regard to aforesaid facts and circumstances, especially bearing in mind the number and the nature and the seat of injuries, this Court does not find any special case for grant of antcipatory bail to the petitioner.
9. The petition is sans any merit and is dismissed.

May 7, 2019
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No