

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

CRM-M-32541-2019 (O&M)

Date of decision: 09.09.2019

Fariyad

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Jagdish Manchanda, Advocate &
Mr. Ravi Gakhar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 89 dated 16.06.2019, registered under Sections 307, 324, 323, 356, 506, 148, 149 of the IPC at Police Station Arniwala, District Fazilka.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner is attributed an injury to one Jagsir Chand, which was declared dangerous to life.

Learned counsel for the petitioner has relied upon the MLR of injured Jagsir Chand to argue that injury sustained by Jagsir Chand were caused by a blunt weapon and are abrasions on right knee and hand.

Learned State counsel, on instructions from ASI Harwinder Singh, has relied upon order dated 21.08.2019 passed in CRM-M Nos. 27877 and 31481 of 2019, vide which, the anticipatory bail applications of co-accused Ramdev and Sandeep Kumar were dismissed by

passing the following order:

“These petitions have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to petitioners Ramdev and Sandeep Kumar in case FIR No. 89 dated 16.06.2019, registered under Sections 307, 326, 324, 323, 356, 506, 148 and 149 of the IPC at Police Station Arniwala, District Fazilka.

As per the allegations in the FIR, registered at the instance of complainant Satnam Singh, it is stated that he is an agriculturist by profession and on 14.06.2019, Jagsir Chand Sarpanch had called him for effecting a compromise regarding a two months' old case. When the complainant had gone to the house of Ex. Sarpanch Sher Chand at about 8.30 PM, he along with Jagsir Singh Sarpanch, Sher Chand Ex. Sarpanch, Iqbal Singh and some other persons reached in a street in front of the house of petitioner Ramdev, he (Ramdev) carrying a Gandassi, petitioner Sandeep Kumar carrying iron chain, Fariad having wooden sticks, Darbara Singh having stick along with five to six unknown persons having sticks came at the spot and then by giving a *lalkara*, Ramdev gave a blow of Gandassi which hit complainant on his right leg below the knee and Sandeep Kumar gave a blow of chain on Iqbal Singh which hit him on his left arm and other assailants also gave injuries to complainant party.

Learned counsels for the petitioners submit that there is a delay of two days in registration of the FIR. It is further submitted that as per the MLR of injured Iqbal Singh, he has sustained eight injuries which are grievous and complainant Satnam Singh has sustained three injuries which are incised wounds.

Learned counsels for the petitioners have further argued that in fact the petitioners have falsely been implicated in the present case on account of some previous case.

In reply, learned State counsel has argued that there are direct allegations against both the petitioners and two persons, namely Iqbal Singh and complainant Satnam Singh, suffered several injuries and Section 307 IPC has been added later on as the intention of accused persons was to cause grievous injuries.

Learned counsels for the complainant have argued that a perusal of the FIR shows that the injured persons were called by the accused persons for effecting some compromise and when they reached outside the house of petitioner Ramdev, they were attacked by the accused persons and the injuries sustained by complainant and injured persons are grievous in nature and were caused

with intention to kill.

After hearing learned counsel for the parties, considering the serious allegations against the petitioners in the FIR as well as injuries sustained by the injured persons, I do not find any ground to grant anticipatory bail to the petitioners as their custodial interrogation is required.”

Learned counsel for the complainant has argued that two persons, complainant Satnam Singh and Jagsir Chand, have sustained injuries at the hands the petitioner and as per the MLR of injured Iqbal Singh, he has sustained eight injuries which are grievous in nature, therefore, considering the fact that injured persons were brutally beaten up by the petitioner and other accused persons, the petitioner is not entitled to grant of concession of anticipatory bail.

After hearing learned counsel for the parties, I do not find any ground to grant anticipatory bail to the petitioner considering the allegations levelled against him and also in view of the facts noticed in the aforesaid order dated 21.08.2019.

Petition stands dismissed.

09.09.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No