

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

**CRM-M No.18450 of 2020 (O&M)
Date of Decision: 22.07.2020**

Harjinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Karan Jund Mullanpur, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Second petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.105 dated 09.05.2020, under Sections 323, 324 of the Indian Penal Code, 1860 (Section 326, IPC added later on vide G.D. No.31 dated 06.06.2020), registered at Police Station Mahilpur, District Hoshiarpur.

As per prosecution case, on 07.05.2020 at 06:00 PM, complainant-Harjot Singh, 15 years of age, was given many Sword blows on the different parts of his body by the petitioner. Due to the injuries, complainant fell down and became unconscious. After inflicting the injuries, the petitioner ran away from the spot on his motorcycle and some passersby informed his father (Gurdev Singh) telephonically, who reached at the spot and after arranging the vehicle, the complainant got admitted in the Civil Hospital, Hoshiarpur, where his condition became deteriorated.

The motive for attack is stated to be a quarrel, which took place with the petitioner 3-4 months ago, but later on compromised between them.

Contents that no offence under Section 326, IPC is made out against the petitioner as the Injuries No.2, 3, 4, 5, 6, 8, 9, 10 and 11 were mentioned as simple in nature, whereas Injury No.1 is declared as grievous after a period of approximately one month of the occurrence. Also contends that even the injured being a minor was riding the motorcycle, thus, he himself breached the law and while driving the motorcycle, he fell down resulting into the alleged injuries. Further contends that petitioner has been falsely implicated in the present case.

On the other hand, learned State Counsel, on instructions, opposed the present petition while submitting that there are total 11 injuries on the person of minor and out of which, 08 are sharp in nature, whereas Injury No.1 has been declared as grievous.

Heard learned Counsel for the parties and perused the paper-book.

This Court has gone through the copy of M.L.R. (P-3), which shows that minor child of 15 years has suffered 11 injuries allegedly inflicted by the petitioner and out of which, Injuries No.1, 2, 4, 6 and 8 to 11 are mentioned as incised wounds, thus, the weapon of offence for causing the injuries would be necessary to unearth the truth regarding the merciless attack on the complainant.

In view of the above, custodial interrogation of the petitioner is required for proper investigation of the case, hence, this Court has no option except to dismiss the present petition.

Ordered accordingly.

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

July 22, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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