

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

**CRM-M-36623-2020**

**Date of decision : 09.11.2020**

**SURJIT SINGH @ MAHI**

.....Petitioner

Vs.

**STATE OF PUNJAB**

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Ravi Malhotra, Advocate, for the petitioner.  
Mr. Ramandeep Sandhu, Senior DAG, Punjab.

**ALKA SARIN, J. (ORAL)**

Heard through Video Conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0202 dated 12.09.2020 under Sections 307, 323, 324, 427, 452, 148 and 149 of Indian Penal Code, 1860 (IPC) and Section 326 IPC added later on registered at Police Station Bhogpur, District Jalandhar.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the case and that the story put forth by the complainant is false and concocted. He further contends that he has not been named in the FIR but his name came in the supplementary statement by the complainant on the next day.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab has joined the session through video conferencing and accepts notice on behalf of respondent/State and on instructions from SI Sukhjeet Singh has stated that in the FIR it has clearly been mentioned that some unidentified young men gave *datar* blows which hit the right foot and right ankle and two blows from the reverse side of the

*datar* hit on the right leg and right bicep of the complainant. He further contended that the petitioner was named the very next day in the supplementary statement got recorded by the complainant. Injuries Nos.5 and 7 have been attributed to the petitioner, though the injuries are simple in nature. Injury No.5 is on the right arm above the elbow and injury No.7 is on the right knee of the complainant with the *datar* which is a sharp edged weapon. He further contends that the petitioner was part of the unlawful assembly and the accused in the case had inflicted grievous injuries on the complainant.

I have heard learned counsel for the parties.

In the present case, the complainant has received 09 injuries and the accused were all armed with *datars*. The co-accused had inflicted injuries on the head of the complainant on the left side of the head near the ear while the others had inflicted injuries on the other parts of the body. The injuries which have been attributed to the petitioner are injury Nos.5 and 7. Injury No.7 is on the right knee of the complainant with the *datar* which is a sharp edged weapon. *Prima facie* the petitioner appears to have played an active role as a member of unlawful assembly formed to inflict injuries on the complainant.

In view of the above and keeping in view the gravity of the offence, the present petition is dismissed. It is however, made clear that any observation made herein shall not be taken as an expression of opinion on the merits of the case.

November 09, 2020  
kv

(ALKA SARIN)  
JUDGE

Whether speaking/non-speaking: Yes/No  
Whether reportable: Yes/No