

CRM-M-35861 of 2020

**101IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35861 of 2020
Date of decision: 26.11.2020

Dilpreet Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. R.P.S. Bara, Advocate, for the petitioner.
Mr. Amit Mehta, Sr. DAG, Haryana.
Mr. Vipin Mahajan, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 read with Section 482 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.275 dated 23.09.2020 registered under Sections 324, 323, 379-B, 506, 326, 148, 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Dinanagar, District Gurdaspur, Punjab.

Briefly stated, the case of the prosecution is that on 22.09.2020, at about 7.30 p.m., the petitioner along with his co-accused, armed with datars (sharp edged weapons)/baseball bats/iron rods, attacked and caused as many as ten injuries to the complainant party out of which the petitioner inflicted two injuries on the complainant and one on Arwinder Singh has been declared to be grievous. When the complainant party raised alarm the petitioner and his co-accused fled from the spot.

Learned counsel for the petitioner submitted that the petitioner

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has been falsely implicated in the case due to political rivalry between the families of the petitioner and the complainant; he is a young man of 20 years of age; he is not involved in any other criminal case; the injury attributed to the petitioner upon Arwinder Singh has wrongly been classified as a grievous injury; co-accused of the petitioner are on bail; it is a case of version and cross-version and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner along with his co-accused inflicted as many as ten injuries on the complainant party out of which three are attributed to the petitioner, one of which is opined as a grievous injury; after investigation the version given by the petitioner's side has been found to be false and recovery of the weapon used by the petitioner is to be made.

The petitioner armed with a datar (sharp-edged weapon) and his co-accused armed with baseball bats/datars/iron rods, with common intention, are alleged to have inflicted as many as ten injuries on two persons of the complainant party. Out of these ten injuries, the petitioner is attributed two injuries on stomach and back of the complainant from the blunt side of the datar and a 6 cm injury from the sharp side of the datar on the right arm of Arwinder Singh which has been medically opined as a grievous injury.

In view of the above serious allegations of merciless beating given to the complainant party by the petitioner and his co-accused, which

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includes a grievous injury on the person of Arwinder Singh by the petitioner and for the reason that recovery of the weapon allegedly used in the crime is to be made from the petitioners as also because investigation is still going on this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail.

The plea of parity is not available to the petitioner as he is the only one from the accused party who is attributed a grievous injury.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case as trial of the petitioner is yet to take place.

November 26, 2020
R.S.

(Deepak Sibal)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No