

Sr.No.115

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

**CRM-M-38291 of 2020
Date of decision:19.11.2020**

Kuldeep Singh @ Keepa

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jaspurpreet Singh Puri

**Present: Mr. Rishu Mahajan, Advocate
for the petitioner.**

Through Video Conference

Jaspurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.25 dated 07.05.2019 registered under Sections 308/323/324/148/149 IPC at police station Sarai Amant Khan, Taran Taran.

Learned counsel for the petitioner has submitted that in the present case the petitioner was wrongly and falsely implicated and he had no role to play, in fact the role was attributable to another person, namely, Ravinder Singh @ Bitti. He has further submitted that there is no other case against the petitioner, therefore, he may be granted the concession of anticipatory bail.

As per the FIR, the allegations were that statement was recorded by one Sukhwinder Singh that his younger brother namely, Manga Singh who is a labourer when they were preparing for dinner then Ravinder Singh @ Bitti son of Gopal Singh came to their house and called his brother

Manga Singh asked him that he wanted to discuss some important matter with him and took him to the street. Thereafter, on hearing of the noises complainant alongwith his mother also came out in the street and saw that Ravinder Singh @ Bitti son of Gopal Singh having a baseball bat and Kuldeep Singh @ Keepa (petitioner) son of Gopal Singh resident of village Gandiwind Colony, Joginder Singh son of Mohinder Singh and some other 8-10 unidentified persons having lathis and sticks were standing there. Thereafter, Ravinder Singh @ Bitti, Kuldeep Singh (petitioner) and Joginder Singh were attacking his brother on his head with their weapons and thereafter, his brother Manga Singh was admitted to hospital at Amritsar.

Notice of motion.

On asking of the Court, Mr. Avtar Singh Sandhu, Addl.AG, Punjab accepts notice on behalf of the State and has submitted that it is a case where the petitioner alongwith other persons attacked the aforesaid Manga Singh and direct role is attributed to the petitioner even as per the FIR. He has further submitted that two injuries were sustained on the head of the injured Manga Singh and declared to be dangerous to life. He has opposed the grant of anticipatory bail and has submitted that this is a case of serious in nature where number of persons collectively attacked the person who sustained dangerous injuries and therefore, custodial investigation is required for the same especially for recovery of weapons.

I have heard the learned counsel for the parties. The role which is attributed to the petitioner even as per the FIR would itself was that he along with four other persons had attacked Manga Singh who sustained injuries on his head which was declared as dangerous to life. The petitioner has been

named in the FIR and direct role has been attributed to him. There is weight in the arguments advanced by the learned State counsel that custodial investigation is required for recovery of weapons.

In view of the above, I do not find any merit in the present case and the same is hereby dismissed. However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

19th November, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

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