

CRM-M-43575 of 2020

**127IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43575 of 2020
Date of decision: 23.12.2020

Rajiv Kumar

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gurmeet Singh Saini, Advocate, for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.85 dated 24.10.2019 registered under Sections 452, 323, 506, 148 and 149 IPC at Police Station Mallan Wala, District Ferozepur, and DDR No.31 dated 29.11.2019 under Sections 342, 195 and 193 IPC at Police Station Mallan Wala, District Ferozepur.

Dharminder Singh filed a complaint with the police that Gurnam Singh had closed the passage which led to his house; on 19.10.2019 at about 10.00 a.m. Gurnam Singh, his wife Kulwant Kaur, Sukhdev Singh, Jagtar Singh @ Jagga, Jaj Singh and 3/4 unidentified persons who were armed with gandasas/dangs tied the complainant with a

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rope; made a movie; gave him beatings and when on hearing the complainant's cries his sister and mother came there the accused fled from the spot along with their weapons but only after abusing and threatening him. On the basis of such complaint the aforesaid FIR was registered.

During investigation of the aforesaid FIR Gurnam Singh stated that it was he who had been beaten up by the complainant party and for treatment of the injuries received by him he had got himself admitted in Civil Hospital, Makhu. However, it was later revealed that the injuries on Gurnam Singh were self-inflicted. This fact was not only admitted by Gurnam Singh but he also disclosed that he had paid Rs.25,000/- to the petitioner, a pharmacist, to fabricate those injuries on his person. On the strength of such evidence the petitioner was nominated as an accused.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; the only evidence against the petitioner is the disclosure statement of co-accused Gurnam Singh which has no evidentiary value; there is no other criminal case in which the petitioner is involved 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 anticipatory bail to the petitioner on the ground that the petitioner helped the accused Gurnam Singh in fabricating evidence by inflicting on his person false injuries.

The petitioner, who is said to be a pharmacist, is alleged to have received Rs.25,000/- from Gurnam Singh to fabricate injuries on his person so that he could use them to set up a defence in the FIR lodged against him by Dharminder Singh. As per Gurnam Singh he had gone to

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the petitioner as it was well known in the area that the petitioner was indulging in such kind of activities.

In view of the above serious allegations against the petitioner of fabrication of evidence for monetary gains and for the reason that deeper probe is required to know as to who are the other persons on whom the petitioner may have fabricated injuries, his custodial interrogation is considered necessary.

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.

December 23, 2020
R.S.

(Deepak Sibal)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No