

CRM-M-44410-2020 (O&M).

Through video conference

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

**CRM-M-44410-2020 (O&M).
Decided on: December 31, 2020.**

Varinder Singh @ Sona

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Sukhmeet Singh, Advocate,
 for the petitioner.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in FIR No.365 dated 2.10.2020, under Sections 323, 324, 506, 148 and 149 IPC, (Section 326 IPC added later on) registered at Police Station City, Faridkot, District Faridkot.

As per the contents of the FIR which was registered on the basis of statement of Baljit Singh son of Gurnam Singh, resident of Sunder Nagar, Ferozepur, he drives an auto rickshaw in front of Guru Gobind Singh Medical College and Hospital and on 30.9.2020, at about 8:30

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P.M., when he went to Punjabi Dhaba for dinner which is situated on left side of Guru Gobind Singh Medical College and Hospital, Faridkot and came out from the Dhaba after dinner, the Gurpreet Singh @ Gopi @ Gacha son of Gurmukh Singh, resident of Balbir Basti who was holding base ball bat in his left hand, Ravi son of Ramesh Kumar resident of New Cantt. Road, who was armed with baseball bat, Naginder Singh @ Bitti son of Sukhdev Singh, resident of Dashmesh Nagar, who was armed with sword, Varinder Singh @ Sahota (petitioner) son of Sukhdev Singh armed with Khanda and 15-20 other unidentified persons armed with dandas and khandas came there from front side. Thereafter, Naginder Singh @ Bitti raised lalkara and said that today they will not leave dhaba and also teach lesson to whoever assists him. Thereafter, Naginder Singh @ Bitti gave blow of his sword on his head which hit on left side of his head and also gave second blow towards his head and he moved forward in self defence and the blow hit him on the right thumb and right thumb was severed. Then Ravi gave two blows of his baseball bat on his back and Varinder Singh (petitioner) gave forceful blow of khanda which he was holding in his hand which hit him on his left arm below shoulder. Gurpreet Singh @ Gopi gave blow of his baseball bat which he was holding in his hand which hit the complainant on his left arm below elbow and he fell down on the ground. While he was lying on the ground, 15-20 unidentified persons came and inflicted injuries to him and when he raised hue and cry then Nachhatar Singh who was working dhaba and his friend Arun Sharma came out but the above mentioned culprits in connivance with each other also inflicted

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grievous injuries to Nachhatar Singh and Arun Sharma. Thereafter, people started gathering there and on seeking people gathering, the above mentioned culprits fled away from the spot along with their weapons while giving threats. Thereafter, Resham Singh friend of Nachhatar Singh arranged vehicle and admitted him, at Guru Gobind Singh Medical College and Hospital, Faridkot. It is further stated in the FIR that the reasons for the grudge was that about 5-6 days ago, he complainant was eating food at this dhaba and Naginder Singh @ Bitti along with some other persons came at dhaba and as he was arguing and was speaking very vulgar language, the complainant had stopped him from doing so. Due to said grudge, the culprits have inflicted injuries upon him.

Learned counsel for the petitioner has submitted that as per the FIR, the petitioner had allegedly inflicted blow on the left arm below shoulder with khanda and owing to his limited role, he may be considered for the grant of anticipatory bail.

Learned State counsel, on instructions from SI Harwinder Singh, has submitted that in the present case it was a group attack by 15-20 persons and grievous injuries have been inflicted on three persons. He has submitted that 8 injuries were inflicted on Baljit Singh and 15 injuries on Nachhatar Singh and 6 injuries were inflicted on Arun Sharma. He further submitted that the nature of the injury which was inflicted by the petitioner were sharp and grievous and attracts Section 326 IPC. He further submitted that investigation of the present case is going on and other unidentified persons are yet to be identified and apprehended. He further submitted that

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it is a case of group attack by 15-20 persons on one person initially and thereafter on two persons who had come to the rescue of the complainant and recovery is yet to be effected and the learned State counsel, therefore, has prayed for the dismissal of the present petition.

I have heard the learned counsel for the parties.

As per prosecution version, the attack was made on the complainant by 15-20 persons which was a group attack and all other accused persons who were shown to be unidentified persons have not yet been identified as yet and the matter is still at investigation stage. The argument raised by the learned State counsel that the recovery of the weapons is yet to be effected and it was a case of extremely grievous nature where group attack has been made does carry weight. So far as injuries inflicted on three persons are concerned, serious and sharp injuries are attributed to the petitioner.

Therefore, considering the totality of the circumstances of the present case, I do not deem it fit and proper to interfere in the present petition and consequently the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

December 31, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No