

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

(Sr. No. 222)

CRM-M No. 7478 of 2021

Date of decision : 23.08.2021

Manpreet Singh @ Mandeep Singh @ Sonu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Amit Dhawan, Advocate for the petitioner.
Mr. Jagmohan S. Ghumman, DAG, Punjab.
Mr. Amit Jhanji, Senior Advocate with
Mr. Shashank Sharma, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No. 287 dated 27.12.2020 registered
under Sections 325, 451, 323, 506, 34 IPC (Section 308 IPC added later on)
at Police Station Kartarpur, district Jalandhar Rural.

Briefly stated, the case of the prosecution is that while the
complainant-Kamaljit Kaur and her husband-Daljit Singh were present at
their tubewell, the petitioner, along with his mother-Bhupinder Kaur and
father-Sukhwinder Singh, came there; the petitioner who was armed with a
wooden log gave blows with the same on Daljit Singh's head and right
thigh; co-accused Bhupinder Kaur who was armed with a *datar* gave blows

from its reverse side on the right eye of Daljit Singh as also on his face/teeth; co-accused Sukhwinder Singh also gave a spade blow on Daljit Singh's right leg and when hue and cry was raised by the complainant party, the petitioner along with his co-accused fled the scene.

Learned counsel for the petitioner argued that the petitioner has been falsely implicated in this case at the behest of the complainant with whom the petitioner and his family have a land dispute; the complainant party was the aggressor; the petitioner has no criminal antecedents and that it was the petitioner's mother-Bhupinder Kaur who had been given a head injury by the complainant and her husband-Daljit Singh.

Learned State counsel as also learned senior counsel appearing for the complainant opposed the grant of anticipatory bail to the petitioner on the ground that the petitioner has inflicted serious injuries on the complainant's husband who had received as many as two fractures on his leg as also injuries on his head/face. It was further submitted that the weapons used in the attack are still to be recovered and that since the incident took place at the tubewell of the complainant, it is clear that the petitioner and his co-accused were the aggressors.

As per the FIR the complainant's husband-Daljit Singh has received injuries on his head/face and two fractures in his right leg. The petitioner is alleged to have caused one injury on Daljit Singh's head and a fracture on his right thigh which fracture has attracted the applicability of Section 308 IPC.

In the light of the above allegations which are corroborated by medical evidence and because recovery of the weapon allegedly used by the

petitioner is still to be recovered, the present case is not considered a fit case for the grant of anticipatory bail.

Dismissed.

23.08.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No