

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

CRM-M-8007-2021
Date of Decision : 19.02.2021

Harwinder Singh @ Babbi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr.Randeep Singh Waraich, Advocate
for the petitioner.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in FIR No.312 dated 14.12.2020 under Sections 307, 336, 323, 341, 427, 506, 148, 149 and 120-B of the IPC and under Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City Sangrur, District Sangrur, Punjab.

The only argument raised by learned counsel for the petitioner is that there is no specific injury attributed to the petitioner.

Notice of motion.

Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

Learned State counsel refers to order dated 18.02.2021 passed in CRM-M-7641-2021 to submit that anticipatory bail application of co-accused Rajinder Singh has been dismissed by this Court. The operative part of the order reads as under:

“....Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant

Babandeep Singh, it is submitted that he had gone to attend a meeting with the local MLA who were going to hold a *Dharna* as a part of farmers' protest. Later on, the complainant and his friends started moving towards Sangrur and on account of a road rage, petitioner and the other persons stopped their vehicle and caused multiple injuries.

Learned counsel for the petitioner has raised the only argument that name of the petitioner has surfaced later on in the second statement of the victim and, therefore, the possibility of his false implication cannot be ruled out.

Notice of motion.

Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

Learned State counsel has opposed the prayer on the ground that as per the MLR, victims Babandeep Singh, Amandeep Singh as well as Amanpreet Singh have suffered the following injuries:

Bhawandeep, as per MLR dated 14.12.2020:

Patient came to emergency with alleged history of gunshot.

Patient calm, cooperative, conscious, well oriented to TPP.

Two lacerated entry wounds of 0.5 cm x 0.5 cm on the on the left leg just above ankle joint with bleeding around the wounds present. With fresh bleeding present. Advised x-ray and ortho opinion.

Bhawandeep Singh, as per MLR dated 18.12.2020:

Patient came to emergency with alleged history of gun shot injury.

Blackish scab with diffuse swelling on the anterior side of right leg just above ankle joint. Advised x-ray and ortho opinion. Pallets removed and handed over to police official.

Amandeep Singh:

1. Multiple lacerated wound of various sizes on the anterior side of right leg. Advised x-ray and ortho opinion. Fresh bleeding present.

2. Multiple lacerated wound of various sizes on the anterior side of left leg. Advised x-ray and ortho opinion. Fresh bleeding present. Entry wound
3. Multiple small lacerated wounds of 0.5 cm x 0.5 cm on the right thigh and knee joint with fresh bleeding present. Blackening around the entry wound present. Advised x-ray opinion.
4. multiple small entry lacerated wound of 0.5 x 0.5 cm on the left thigh and knee joint with fresh bleeding present. Blackening around the entry wound with no exit points. Advised x-ray and ortho opinion.
5. Two lacerated wounds of 3 cm x 0.5 cm on left elbow joint. Fresh bleeding present. Advised x-ray and ortho opinion.
6. Lacerated wound 3 cm x 0.5 cm on the middle of left fore arm. Advised x-ray and ortho opinion.
7. Multiple lacerated wounds on the dorso of left hand with fresh bleeding present. Advised x-ray and ortho opinion.
8. Lacerated wound of 4 cm. The right elbow. Advised x-ray. Ortho opinion.
9. Complaint of pain on right wrist joint. Advised x-ray and ortho opinion. Pallets present in the clothes worn and clothes worn and sealed and handed over to officials.
10. The injuries no.1 to 8 were kept under observation. The injuries no.1, 2, 5, 6, 7 and 8 reported to be blunt. The injuries no. 3 and 4 reported to be gun shot injuries.

Amanpreet Singh:

Patient was admitted on 14.12.2020 with above mentioned complaints. All relevant investigations were done. CT package was done. Patient was managed surgically, under GA.I)

i). Comminuted Tibia Reduced, wound debridement done, pallets seen, were recovered, fracture reduced & fixed with External Fixator, above knee slab applied;

ii) laceration debridement and suturing done over distal tibia, closed reduction done and above knee slab applied.

iii) Closed reduction internal fixation with Kwires done – K wiring of phalynx done, closed reduction done;

(iv) Lateral condyle -chip bone fracture debridement and suturing done and above elbow slab given;

(v) Phalynx left hand ring finger Metacarpal Kwiring done and slab was applied on 15/12/2020.

Learned State counsel further submits that in the FIR it is specifically mentioned that assailants were accompanied by 3/4 other persons and for the reasons the victim has suffered injuries and seven fractures on his leg which shows that all the accused, in conspiracy with each other, gave merciless beating to the victims, the complainant was not in a position to make statement immediately and therefore, the version given by the complainant naming the petitioner causing him multiple injuries along with others is properly explained.

After hearing counsel for the parties and looking into the allegations in the FIR and manner in which, multiple injuries have been caused to the complainant's side, I find no ground to grant concession of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.”

At this stage, finding that the Court is not convinced, learned counsel for the petitioner seeks permission to withdraw the present petition.

Dismissed as withdrawn.

19.02.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No