

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 206

CRM-M-8930-2020

Date of decision : 08.09.2021

Shamsher Singh and others

..... Petitioners

VERSUS

Kamaljit Singh @ Kawanjit Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.G.S.Aulakh, Advocate, for the petitioners.

Mr.Arman Gagneja, Advocate, for the respondent/complainant.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioners seek anticipatory bail in complaint case No.12-A of 08.09.2019 (Comp/41/2019) titled as Kamaljit Singh @ Kawanjit Singh vs Shamsher Singh and others under Sections 307/326/323/506/34 IPC in the Court of Judicial Magistrate Ist Class, Gidderbaha, District Sri Muktsar Sahib.

Through his complaint the complainant alleged that all the petitioners had given him beatings which included a blow on his head with an iron pipe by petitioner No.1. After considering the averments made in the complaint, preliminary evidence so recorded (including medical evidence), the petitioners were summoned under Sections 307/326/323/506/34 IPC. It was then that the petitioners applied for anticipatory bail before the Trial Court on the dismissal of which they have knocked the doors of this Court through the present petition.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case due to personal enmity between

them and the complainant; the petitioners have no criminal antecedents; there is an unexplained delay of ten days in filing of the complaint on behalf of the complainant before the police and that the petitioners' custodial interrogation is not required.

A perusal of the record, including the medical evidence, reveals that petitioner No.1-Shamsher Singh is alleged to have caused an injury on the complainant's head which has been declared dangerous to life. Therefore, he does not deserve the concession of anticipatory bail and it is so ordered.

The injuries allegedly caused by petitioners No.2 and 3 are found simple in nature and therefore, they are extended the concession of anticipatory bail. Resultantly, on their appearance before the Trial Court petitioners No.2 and 3 would be admitted to bail to the Trial Court's satisfaction.

08.09.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No