

106 (1) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16452-2021 (O&M)
Date of Decision: 31.08.2021

SAGAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Gursimran Singh Jossan, Advocate for the petitioner
Mr.J.S.Ghumman, Deputy Advocate General, Punjab

Deepak Sibal, J. (Oral)

Case 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.44 dated 16.08.2020 registered under Sections 307, 323, 324, 325, 427, 450, 506, 148, 149, Sections 25 and 27 of Arms Act, 1959 and Sections 3, 4 of Prevention of Damage to Public Property Act, 1984 at Police Station Arif Ke, District Ferozepur.

Briefly stated, the case of the prosecution is that on 13.08.2020 between 10.00 pm and 10.30 pm the petitioner, along with his co-accused, duly armed, came at the gate of the complainant's house and raised a *lalkara*; thereafter, the petitioner and his co-accused, started throwing tiles towards the complainant party which hit the electricity meter of their house as a result of which it caught fire; the petitioner then entered the complainant's house and attacked the complainant with his *kirpan* and his co-accused also caused injuries to the complainant.

Learned counsel for the petitioner submits that the petitioner

has been falsely implicated in this case; the injury attributed to the petitioner on the left side of the complainant's shoulder is not backed by the medical evidence; there is seven days unexplained delay in lodging of the FIR and that the petitioner and the complainant have compromised the matter.

A perusal of the FIR reveals that the petitioner was the leader of his group which, while standing at the gate of the complainant's house, threw tiles which damaged the complainant's electricity meter resulting in it catching fire; the petitioner then led the attack on the complainant which resulted in causing 5 injuries on his person and the petitioner is alleged to have inflicted a 11x3 cm injury on the left side of the complainant's neck. Thus, the petitioner and his co-accused are alleged to have, duly armed with dangerous weapons, trespassed into the complainant's house and made an attempt to murder him.

The above allegations against the petitioner are serious; he has allegedly given a deadly blow on the complainant's neck and recoveries are also to be made from him.

In the afore facts it is immaterial whether the petitioner and the complainant have compromised the matter.

Dismissed.

31.08.2021
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No