

104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16977-2021
Date of Decision: 23.04.2021

GURPREET SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Vinay Kumar Malhotra, Advocate for the petitioner
Mr.Sandeep Kumar, 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.08 dated 18.02.2021 registered under Sections 323, 324, 325, 326, 307, 427, 379, 148, 149 at Police Station Ghuman, District Batala.

Briefly stated, the case of the prosecution is that on 15.02.2021 Ajmer Singh and his brother Kashmir Singh were standing outside Ajmer Singh's grocery shop; at about 10.30 am the petitioner along with his co-accused, duly armed, came there on three motorcycles and started threatening Ajmer Singh; co-accused Joban Singh then raised *lalkara* that Ajmer Singh be taught a lesson for having quarreled in the morning; thereafter, Ajmer Singh was given merciless beatings by the petitioner and his co-accused resulting in five injuries on him including two fractures – one on the head and one on his left arm and other grievous injuries and after inflicting such injuries the petitioner and his co-accused fled from the scene.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR; there is no other criminal case pending against the

petitioner; no injury is attributed to the petitioner; under interim orders passed by the Trial Court the petitioner has joined investigation; no further recovery is to be made from the petitioner; the complaint filed with the police by the co-accused Surinder Singh on having received injuries at the hands of the complainant party has not been registered by the police and that the petitioner is still ready and willing to join investigation as and when called by the investigating agency.

As per the prosecution's case the petitioner and his co-accused have inflicted upon the complainant a *Datar* and a baseball blow on his right hand, a *Datar* blow on his left arm and two *Datar* blows on his head resulting in a fracture of his skull and of his right arm alongwith two grievous and one simple injury. These injuries are corroborated by the complainant's Medico Legal Report. The petitioner has specifically been named by co-accused Joban Singh to be one of the assailants at the time of the merciless attack on the complainant.

In view of the above serious allegations against the petitioner for being a member of an unlawful assembly accused of attempt to murder he is held not entitled to the grant of concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

23.04.2021

gk

(Deepak Sibal)
Judge

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