

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.101

CRM-M No.18694 of 2021 (O&M)

Date of Decision: 26th May, 2021.

Lovepreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Ranjodh Singh Sidhu Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Amit Arora, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J. (ORAL)

CRM No.14336 of 2021

This application has been moved for seeking permission to place the copy of the representation dated 25.11.2020, as moved by the mother of the petitioner to the SSP, Tarn Taran, on the record as Annexure P-7.

Notice in the application.

Ms. Rashmi Attri, Assistant Advocate General, Punjab and Mr. Amit Arora, learned counsel for the complainant, accept the notice. They have no objection in allowing this application.

Keeping in view the above-said fact as well as the reasons as mentioned in the instant application, the same is allowed and Annexure P-7 is

taken on the record.

CRM-M No.18694 of 2021

Apprehending his arrest in the criminal case as registered at Police Station Goindwal Sahib, District Tarn Taran vide FIR No.331 dated 07.11.2020 under Sections 326, 323, 324, 506, 452 read with Section 34 of IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in the present case, are that the petitioner and his father Gurmej Singh, in furtherance of their common intention, trespassed into the house of complainant Hardeep Singh and they caused injuries to him (complainant) as well as to his son Gurwinder Singh with '*datar*'.

I have learned learned counsel for the petitioner and learned State counsel as well as learned counsel for the complainant in this petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that there was a delay of three days in lodging the FIR in this case and a civil suit between the complainant and the afore-named co-accused of the petitioner, i.e his father, is already pending and moreover, injury No.2 on the person of the complainant is reported to have been caused by a blunt weapon whereas in the FIR, only '*datar*', a sharp-edged weapon, is alleged to have been used by the assailants and lastly, the mother of the petitioner moved said application Annexure P-7 to the SSP concerned for transferring the enquiry qua this case to some other police officer and in view of these circumstances, it becomes

explicit that the petitioner has been falsely implicated in this case and therefore, he deserves the concession of anticipatory bail.

However, learned State counsel as well as learned counsel for the complainant argue that injury No.1 on the person of the afore-named complainant has been opined to be grievous in nature and therefore, Section 326 IPC has also been added in this case subsequently and in view the gravity of the offence as committed by the petitioner, he does not deserve the relief as prayed for in this petition.

As regards the delay of three days in the registration of the FIR in this case, the same, in itself, cannot suffice at all, at this stage, to show the false implication of the petitioner because its effect on the veracity of the prosecution version can and would be ascertained by the trial court after considering the evidence that may be lead by the prosecution to explain the same during the trial of the case.

So far as the pendency of the civil suit between the parties is concerned, the same also does not come to the aid of the petitioner for seeking the relief of anticipatory bail because at this stage, the same cannot be considered to be a motive for getting the petitioner malafidely involved in this case.

Then, as regards the discrepancy in the MLR of complainant-injured Hardeep regarding the weapon used for inflicting injury No.2 being blunt and the version as put-forth in the FIR regarding '*datar*', a sharp-edged weapon, having been used for causing the injuries to the complainant and his son Gurwinder Singh, this Court cannot lose sight of the fact that it is injury

No.1 on the left leg of the complainant which has been declared to be grievous in nature in view of the report of the x-ray examination thereof and in his MLR, the same is categorically reported to have been caused by the sharp-edged weapon.

Further, the afore-mentioned application, i.e Annexure P-7, can also be not of any help to the petitioner, to seek the relief as claimed in this petition because the same simply pertains to the request of his mother for transferring the investigation/enquiry of this case from the present Investigating Officer to some other police officer.

As a sequel to the fore-going discussion, it follows that this petition deserves dismissal. Resultantly, the same is hereby dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

26.05.2021.
seema

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No