

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-19748-2021
Date of decision: 19.05.2021**

Paramjit Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Yogesh Kumar Anjea, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 209 dated 16.11.2020, registered under Sections 458, 323, 148, 149 of the IPC at Police Station Khui Khera, District Fazilka.

Learned counsel for the petitioner relies upon order dated 22.12.2020 passed in CRM-M-43389-2020, vide which two of the co-accused, namely Sandeep Singh and one other co-accused, have been granted concession of anticipatory bail, whereas the anticipatory bail application of co-accused Sandeep Kumar bearing CRM-M-43325-2020, who had caused head injury to the victim along with present petitioner, was dismissed. The operative part of the order reads as under:

“Prayer in the first petition is for grant of anticipatory bail to petitioner Sandeep Kumar and prayer in the second petition is for grant of anticipatory bail to petitioners Sandeep Singh and Mangat Singh in FIR No. 209 dated 16.11.2020, registered under Sections

458, 323, 148, 149 of the IPC at Police Station Khui Khera, District Fazilka.

As per the allegations in the FIR, registered at the instance of complainant Harbhajan Singh @ Bhatti, it is stated that when he, along with his sons Rakesh Singh and Parkash Singh, was in his room, he heard some noise outside and when he opened the door, Raj Singh armed with iron rod, petitioner Sandeep Kumar armed with rod, Paramjit Singh having baton in his hand, petitioner Sunder Singh @ Sandeep Singh having baton, petitioner Mangat Singh having baton in his hand entered into complainant's room. Thereafter, Sandeep Kumar gave an iron rod blow which hit on the head of the complainant; Paramjit Singh gave a baton blow which also hit on the head of the complainant; Sunder Singh @ Sandeep Singh gave a baton blow which left arm of complainant and Mangat Singh gave a baton blow which hit thigh of the complainant.

Learned counsel, appearing for petitioner Sandeep Kumar, has argued that it was a case of sudden fight wherein the injuries sustained by the complainant's side are simple in nature.

Learned counsel, appearing for petitioner Sandeep Singh and Mangat Singh, has argued that injuries attributed to said petitioners are on non-vital part of the body and are simple in nature.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

Learned State counsel submits that as per MLR, the complainant has suffered head injury, which is attributed to petitioner Sandeep Kumar.

After hearing learned counsel for the parties,

without making any comment on the merits of the case, considering the allegations in the FIR and the injuries attributed to petitioners, I find no ground to grant concession of anticipatory bail to petitioner Sandeep Kumar as he is attributed a head injury, however, considering the fact that petitioners Sandeep Singh and Mangat Singh are attributed only simple injuries on the non-vital part of the body, they are found entitled to get concession of anticipatory bail.

Accordingly, petition bearing **CRM-M-43325-2020** is **dismissed**.

However, petition bearing **CRM-M-43389-2020** is **allowed** and petitioners Sandeep Singh and Mangat Singh are granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon petitioners Sandeep Singh and Mangat Singh to join investigation, if so required, by issuing them a written notice in this regard.”

For the sake of brevity, the facts are not being reproduced again.

Learned counsel for the petitioner submits that injury attributed to the petitioner is simple in nature, whereas as per MLR of the complainant, an iron rod blow was given by co-accused Sandeep Kumar, whose first and second anticipatory bail applications stand dismissed by this Court.

Learned State counsel opposes the prayer of the petitioner on the ground that as per statement of victim Harbhajan Singh @ Bhatti, co-accused Sandeep Kumar gave an iron rod blow on the head of the victim and petitioner Paramjit Singh also gave a danda blow on his head, due to

which, he fell down.

Learned State counsel further submits that injuries, attributed to co-accused Sandeep Kumar as well as petitioner Paramjit Singh, are duly reflected in the MLR.

After hearing learned counsel for the parties, considering the serious allegations against the petitioner and also in view of the fact that first and second anticipatory bail applications of similarly situated co-accused Sandeep Kumar already stand dismissed, this Court finds not ground to grant concession of anticipatory bail to the petitioner.

Dismissed.

19.05.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No