

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.27102 of 2021

Date of Decision: 17th August, 2021.

Karamjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

(Heard through Video-Conferencing)

Present: Mr. G.S.Salana, Advocate, for the petitioner.
Ms. Samina Dhir, DAG, Punjab.
Mr.Kunwar Rajan, Advocate, for the complainant.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.54 dated 05.06.2021 registered at Police Station Sadar Kurali, District SAS Nagar ,under Sections 307, 341, 294, 506 read with Section 34 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the petitioner had a quarrel with the father of the complainant, i.e injured Guriqbal Singh and caused injuries to him with spade (*kahi*).

Short reply on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, Sub Division Kharar-II, District S.A.S.Nagar, Mohali, has also been filed.

I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for the complainant in this

petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that in the Discharge and Follow-up Card of the above-named injured prepared at PGIMER, Chandigarh, the injury on his person was reported to have been caused by a sharp-edged weapon and as per his Medico-Legal Case Summary, this injury was declared to be grievous in nature whereas in his Medico-Legal Report, the said injury is opined to have been caused by the blunt weapon and the seat of the injury is also mentioned to be the left upper arm below shoulder and in these circumstances, the version qua the said injury having been caused by spade, i.e a sharp-edged weapon and attracting the offence under Section 307 IPC becomes highly doubtful.

Per contra, learned State counsel as well as learned counsel for the complainant argue that the above-referred discrepancy regarding the nature of the weapon used in the commission of the offence stands clarified in the afore-said report of the PGIMER and moreover, as specifically alleged in the subject FIR, the petitioner had intended to give the blow of the spade on the head of the injured but while he (injured) tried to save his head by moving aside, it had landed on his biceps and therefore, the offence under Section 307 IPC has been included in the afore-said FIR.

As is explicit from the afore-mentioned medical record of the injured as prepared at PGIMER Chandigarh, the weapon of offence is reported to be a 'sharp-edged' one. Though in the Medico-Legal Case Summary of the injured, the said injury on his left arm is opined to be grievous in nature but the fact remains that in the FIR, the complainant has

specifically alleged that the petitioner had intended to give the blow of the spade on the head of his father, i.e the injured. Undisputedly, *mens rea*/intention is the key factor to ascertain as to whether the offence under Section 307 IPC is made out or not.

Even otherwise, the contentions regarding the said discrepancy qua the weapon as allegedly used in the commission of the offence as well as regarding the offence under Section 307 IPC having been made out against the petitioner or not, can and shall be looked into and adjudicated by the trial Court after appreciating and evaluating the evidence that may be led on the record during the course of the trial. To add to it, the weapon of offence as allegedly used by the petitioner in the alleged occurrence is yet to be recovered from him and the possibility of the requirement of his custodial interrogation for the said purpose cannot be ruled out.

Keeping in view all the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed accordingly.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

17.08.2021.
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether Reportable?	No