

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Sr. No. 210(1)

CRM-M No. 29710 of 2021

Date of decision : 17.11.2021

Suba Singh @ Sewa Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Vikas Gupta, Advocate for the petitioner.

Mr. A. S. Gill, Senior DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.102 dated 26.04.2021 registered under Sections 323/324/148/149 IPC (Section 326 IPC added later on) at Police Station Gate Hakima, district Amritsar.

Briefly stated, the case of the prosecution is that a few days prior to the occurrence in the present case the petitioner and co-accused Sahil had an argument with Vikramjit Singh. Therefore, on 25.04.2021, at about 07:30/08:00 p.m., when the complainant - Shamsher Singh and his brother Vikramjit Singh were going to their house on their scooter, they were stopped by the petitioner and his co-accused, who were all armed. The petitioner then raised a *lalkara* that the complainant and his brother be taught a lesson for having argued with him. The complainant and his brother tried to run but the petitioner and his co-accused caught hold of his

brother and inflicted as many as 07 injuries on him which included 06 grievous injuries and out of which there were 02 compound fractures and one simple fracture. Rakesh Kumar who came to save the complainant and his brother was also attacked by the petitioner and his co-accused resulting in 04 injuries on his person, out of which 02 injuries have been declared to be grievous. The petitioner and his co-accused then ran away from the spot with their respective weapons but only after damaging the complainant's scooter.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as the complainant is inimical towards him; the injury attributed to the petitioner on Rakesh Kumar is not corroborated by medical evidence; so far as the injury attributed to the petitioner on Vikramjit Singh is concerned such injury is said to have been caused by a blunt weapon whereas the petitioner is alleged to be carrying a sickle; there is unexplained delay of one day in lodging of the FIR and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

It is the prosecution's case that the petitioner had the motive to attack the complainant's brother as a few days prior to the date of occurrence he had an argument with the petitioner. Bearing such grudge, the petitioner and his co-accused, duly armed, waylaid the complainant and Vikramjit Singh when they were going to their house, clearly showing common intention on their part. The petitioner and his co-accused are further alleged to have cumulatively inflicted as many as 11 injuries on

Vikramjit Singh and Rakesh Kumar, out of which 07 injuries have been declared to be grievous. These injuries include 02 compound fractures and 02 simple fractures. A perusal of medical record further reveals that as many as 04 injuries on the aforesaid two injured persons are on their heads and foreheads and out of these 02 injuries have been declared to be grievous.

Further, the petitioner is alleged to have committed the crime in question while on bail in two other criminal cases under the Punjab Excise Act, 1914 and the alleged weapon used by the petitioner for the commission of the offence in question is yet to be recovered.

In the light of the above the petitioner is not held entitled to the grant of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

17.11.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No