

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

Sr. No. 210(2)

CRM-M No. 30655 of 2021

Date of decision : 17.11.2021

Ajay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Gursimran Singh Bawa, 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 323/324/427/148/149 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 co-accused Suba Singh @ Sewa Singh and Sahil had an argument with Vikramjit Singh. Thereafter, on 25.04.2021, at about 07:30/08:00 p.m., when the complainant-Shamsher Singh and his brother Vikramjit Singh were going on their scooter, the petitioner, along with his co-accused, who all were armed, stopped them. On a *lalkara* raised by co-accused Suba Singh @ Sewa Singh, the petitioner and his co-accused caught hold of Vikramjit Singh and inflicted as many as 07 injuries on him which included 06 grievous injuries and out of which

there were 02 compound fractures and a 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 were 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 Vikramjit Singh is not reflected in the MLR because as per the MLR such injury is said to have been caused by a blunt weapon whereas the petitioner is alleged to be armed with a sickle; there is an unexplained delay of one day in lodging of the FIR and that the petitioner is ready and willing to join investigation as and when called by the investigating agency.

Allegedly, a few days prior to the day of the occurrence co-accused Suba Singh @ Sewa Singh and Sahil had an argument with the complainant's brother - Vikramjit Singh. Bearing such grudge, the petitioner and his co-accused, duly armed and with a common intention, are alleged to have cumulatively inflicted as many as 11 injuries on Vikramjit Singh and Rakesh Kumar. Out of these injuries 07 have been declared to be grievous. They include 02 compound fractures and 02 simple fractures. A perusal of the medical record further reveals as many as 04 injuries on the heads/foreheads of the aforesaid two injured persons.

In the light of the above serious allegations against the petitioner and his co-accused of having inflicted the aforesaid injuries with common intention, would not entitle the petitioner to be granted

anticipatory bail. Moreover, the weapon allegedly used by the petitioner is also yet to be recovered.

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