

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CRM No. M-32359 of 2021
Date of Decision : 12.08.2021

Resham Singh

...Petitioner

Versus

State of Punjab

...Respondent

(through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in FIR No. 68, dated 15.04.2020, registered under Sections 323, 324, 148, 149 IPC (Sections 325, 326 IPC added later on), at Police Station Sarai Amant Khan, District Tarn Taran.

Learned counsel for the petitioner argues that it is a case of cross-version, where injuries have been received by both the parties. Learned counsel for the petitioner submits that the brother of the petitioner has also received injuries in the said incident and the complainant side is the aggressor party, which initiated the fight. Learned counsel further submits

that there is a delay in registering of the FIR and hence, the petitioner be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that as per the allegations alleged in the FIR, the injuries attributed to the petitioner are on the head of the victims and the injury, which has been inflicted by the petitioner upon Ramandeep Kaur is on the left side of her head just above the ear, has been declared grievous in nature. Learned State counsel further submits that the weapon used in the incident i.e. Kirpan is to be recovered and, therefore, the custodial interrogation of the petitioner is necessary to bring out the truth behind the incident.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the injuries which have been attributed to the petitioner, which are grievous in nature, petitioner is not entitled for the grant of anticipatory bail. The delay in registering of FIR, if any, the explanation for such delay if any in registering of FIR, will come on record during the trial by way of evidence and to be seen at that stage and not at the stage for the grant of anticipatory bail to the petitioner. Incident in question has not been denied by the petitioner rather the petitioner has himself pleaded that in the incident, his family members have also been hurt.

Keeping in view the grievous injuries attributed to the petitioner and also

that the weapon used by the petitioner is also to be recovered, the custodial interrogation of the petitioner is necessary. No ground is made out to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 12, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No