

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M-38751 of 2021

Date of Decision: 17.09.2021

Sajan Singh @ Bagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.Manu Loona, Advocate, for the petitioner.
Mr. Ramdeep Partap Singh, AAG, Punjab

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.100, dated 21.05.2021, having been registered at Police Station Canal Colony, District Bathinda, alleging therein the commission of offences punishable under Sections 458, 323, 380, 506, 148 and 149 of the IPC.

Learned counsel for the petitioner submits that there was actually a dispute between the complainant, Om Parkash, and his brother Balram, and because the petitioner was the employee of Vinod Kumar, with Vinod Kumar living on rent along with Om Parkash in the same premises, therefore the petitioner has been roped in falsely.

However, it is seen that there are specific allegations that the petitioner and his co-accused entered the dwelling house of the complainant armed with sticks etc., and had inflicted many injuries on the complainant and his companion.

Consequently, when it has been put to the learned counsel for

the petitioner that there are actually many injuries and he could not deny that, I would see no ground to entertain this petition, which is consequently dismissed though learned counsel submits that all the injuries are simple and therefore only an offence punishable under Section 323 of the IPC at best could be made out.

Of course he has completely missed the fact that there is also an offence punishable under Section 458 IPC made out in the FIR.

However, obviously all observations made in this order, or in the previous orders passed, are only in the context of this petition seeking the concession of pre-arrest bail, and as regards the investigation in the matter and the trial (if it reaches at that stage), equally naturally, that would proceed wholly on the basis of the evidence gathered/led.

If the petitioner is arrested and files any petition under the provisions of Section 439 of the Cr.P.C., that petition would be considered on its own merits.

17.09.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No