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

CRM-M-41150-2021

Date of decision : 04.10.2021

Sukhraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.53 dated 06.05.2021 registered under Sections 452, 324, 323, 427, 506, 148, 149 of the Indian Penal Code, 1860 (Sections 326, 325, 120-B of IPC have been added later on) at Police Station Qilla Lal Singh, District Batala.

Learned counsel for the petitioner has submitted that in the present case, there is a delay of 2 days in lodging the FIR, inasmuch as the incident is of 04.05.2021, whereas the FIR has been registered on 06.05.2021. It has further been argued that the present case is a case of version and cross-version and in fact, it is the complainant party who had reasons to cause injuries to the accused party inasmuch as it is the said

persons who had come to the house of Kuljit Kaur and Sawinder Kaur, as they were unhappy with the fact that she had put straw in her field because of which some nuisance was created in the adjoining field of the complainant party. It is further submitted that in the present case, in fact, 6 injuries had been caused to Sandeep Singh who belong to the accused party. It is also submitted that as per the video which had been shared in the Whatsapp group, the petitioner is shown to be empty handed, although, is present at the time of incident.

Learned counsel for the State, on the other hand, has rebutted the said arguments and has opposed the present petition for grant of anticipatory bail to the petitioner, by arguing that as far as delay of 2 days in lodging the FIR is concerned, the same has been occasioned on account of the fact that the Investigating Officer had gone to record the statement of the injured-Sukhwinder Singh, but however, since he was declared unfit on 04.05.2021 as well as on 05.05.2021, thus, his statement was recorded on 06.05.2021 after he was declared as fit. It is submitted that the said fact also shows that the injured was not fit for 2 days and had suffered grievous injury. It is further submitted that as far as cross version case is concerned, the same has been found to be false by the police.

Learned counsel for the State has pointed out that in fact, as per the prosecution version, the petitioner is the main accused inasmuch as he had given *datar* blow on the right leg of the injured and the said injury has been declared as grievous and it is on account of the said injury that Section 326 of IPC has been added subsequently. It is further submitted that the recovery of *datar* is to be made from the petitioner. It has also been stated

that as per the prosecution version, the petitioner alongwith his other co-accused had caused 7 injuries out of which 1 injury attributed to the petitioner was declared as grievous. It is also submitted that in fact, the video which had been shared in the Whatsapp group, as per claim of the petitioner apparently shows the entire incident whereas, as per his instructions, the specific incident, when the petitioner had given injuries, has not been shared in the Whatsapp group. It is submitted that the custodial interrogation of the petitioner is required and there are even allegations to the effect that the glasses of shop and cabin were broken and Rs.2,00,000/- was also taken from the money bag/locker.

This Court has heard the learned counsel for the parties and perused the paper book.

As per the prosecution version, the petitioner and other persons have attacked the complainant party and in the process, 7 injuries were caused to the injured-Sukhwinder Singh. The injury attributed to the petitioner is *datar* blow on the right leg of the injured/complainant, which is a grievous injury and which attracted the offence under Section 326 of IPC. Thus, as per the prosecution version, the petitioner is the main accused. The fact that the injured person was unfit for 2 days, also substantiates that he was injured and thus, recording of his statement on the 3rd day, cannot be even remotely taken against the complainant party. The version as given by the petitioner has been found to be false by the police. Even a perusal of the MLR (Annexure P-2) would show that out of the 6 alleged injuries caused to Sandeep Singh, there are four which are primarily with respect to pain, although one injury has been declared as grievous but the same is on the

back of the hand. The other injuries are all stated to be simple. Even the video recording showed that it is the accused party who was attacking the complainant party. The recovery of weapon is also to be made from the petitioner. As per the prosecution version, even the glasses of the shop and cabin were broken and Rs.2,00,000/- were taken from the money bag/locker.

Thus, keeping in view the abovesaid facts and circumstances, the present petitioner does not deserve the concession of anticipatory bail and accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

04.10.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**