

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

Criminal Misc. No.M-44074 of 2021(O&M)

Date of Decision: November 09, 2021

Avinash Gill

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Barjinder Singh, Advocate for
Mr.Prateek Pandit, Advocate for the petitioner.

Mr.Kanica Sachdeva, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.67 dated 22.08.2020 under Sections 323, 324, 326, 148 and 149 IPC (Section 326 IPC added later), Police Station Bholath, District Kapurthala.

The FIR was lodged on the statement of injured Manpreet Singh, who stated that on 14.08.2020, his brother Gurwinder Singh had gone to Bhogpur Adda Bholath to purchase a bottle of beer, where he had an altercation with Rahul, a worker on the wine-shop (*Theka*). Gurwinder Singh came back to the house. The next day, Gurwinder Singh went to the house of Rahul to take his money, where an unidentified man standing in the house of Rahul, chased Gurwinder Singh. Gurwinder Singh came to the motor. At about 6.00 PM, Rahul, Jaswant Kaur and two unidentified persons came to the motor, where Rahul told the other accused that

Gurwinder Singh is to be killed. Thereafter he went back. In the meantime, Avinash (petitioner) armed with *kirpan*, Abhi armed with *datar*, Deep, Deepa, Sabi, Sodhi, Akash and two unidentified persons armed with *datars*, *Kirpans*, rods, baseball bats came there. Jaswant Kaur raised *lalkara*. Avinash (petitioner) inflicted three kirpan blows to Gurwinder Singh hitting him on the left side of the head, left wrist and right wrist. Then Jaswant Kaur inflicted a *datar* blow on Gurwinder Singh hitting his left shoulder, as a result of which he fell down on the ground. When the complainant came forward to save his brother, the accused persons also caused injuries to him by rod and baseball bat. Sodhi gave a *datar* blow from the reverse side on his left hand. Akash gave a blow with *kirpan* on the wrist of the right arm. On raising hue and cry, few villagers came there and saved them from accused persons. The accused while leaving took the purse of Gurwinder Singh containing Rs.6000/- . His mobile phone was broken. They also snatched away a gold chain.

Ld. counsel for the petitioner argued that the petitioner has been falsely implicated in the case. Even as per the prosecution version, co-accused Rahul had taken Rs.6000/- from injured Gurwinder Singh (brother of the complainant) and the injuries were caused to Gurwinder Singh and the complainant, when they were asking for return of the money. It is stated that the petitioner is not related to Rahul in any manner and the prosecution has failed to establish any motive for the petitioner to cause injuries to the victims.

Ms.Sachdeva, Ld. Assistant Advocate General, Punjab
opposing the petition has contended that the petitioner is the main accused.

He is alleged to have caused three *kirpan* blows to Gurwinder Singh. He also caused injury to the complainant as well. After the injuries were declared grievous in nature, the prosecution agency has added Section 326 IPC in the case. There was no reason for the victims to falsely implicate the petitioner, particularly, when the money was to be returned by Rahul. She has further stated that the Police is yet to recover the weapons of crime and accordingly, the custodial interrogation of the petitioner is required.

Having heard Ld. counsel for the parties, considering that the petitioner has allegedly inflicted three *kirpan* blows to the injured including on the left side of the head, which injury has been declared to be grievous no ground is made out for grant of anticipatory bail to the petitioner

Hence, the petition is dismissed.

November 09, 2021

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No