

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 228

CRM-M-40952-2021

Date of decision : 22.12.2021

Manpreet Singh @ Sunny

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.P.K.S.Phoolka, Advocate, for the petitioner.

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.J.S.Dhaliwal, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.234 dated 11.08.2021 registered under Sections 308, 323, 148 and 149 IPC at Police Station Sadar Mansa, District Mansa.

Briefly stated, the case of the prosecution is that on 09.08.2021 at about 8:30 p.m. the petitioner duly armed with an iron rod alongwith his co-accused attacked the complainant-Kuldeep Singh resulting in eight injuries on his person which included five fractures on his head/face. On alarm raised by the complainant, the petitioner and his co-accused fled from the spot with their respective weapons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to enmity between the petitioner and the complainant; there is an unexplained delay of two days in lodging of the FIR; there is no other criminal case pending against the petitioner; all the injuries on the complainant may be on account of an accident and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Learned State counsel and learned counsel for the complainant while referring to the medical record pertaining to the injuries on the complainant, submit that the petitioner and his co-accused had given merciless beatings to the complainant resulting in eight injuries on his person which include as many as five fractures on his head/face. It is further submitted that the petitioner, who was armed with an iron rod, is specifically named by the complainant to have inflicted two injuries on the eye and cheek of the complainant.

The medical evidence produced by the State reveals as many as five fractures on the complainant's head/face which have allegedly been caused by the petitioner and his co-accused and out of which at least two injuries are specifically attributed to the petitioner to have been inflicted with an iron rod.

In the light of the above serious allegations against the petitioner and because the iron rod used by the petitioner is still to be recovered from the petitioner as also for the reason that the State has adequately explained the delay in lodging of the FIR by stating that the delay occurred due to shifting of the complainant from one hospital to another, no case is made out to grant the petitioner anticipatory bail.

Dismissed.

22.12.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No