

CRM-M-41452-2021

Date of Decision: 21.12.2021

Pardeep Singh @ Sonu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Puneet Kumar Bansal, Advocate,
for the petitioner.

Mr. M.S. Nagra, A.A.G., Punjab.

Mr. Kamal Narula, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

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.107, dated 15.07.2021, having been registered at Police Station Ferozepur, District Ferozepur, alleging therein the commission of offences punishable under Sections 324, 323, 341, 506 and 34 of the IPC, with Section 326 thereof added subsequently in the FIR.

Pursuant to the order dated 02.11.2021, an affidavit of the Senior Superintendent of Police, Ferozepur, dated 26.11.2021, has been filed by learned State counsel, which is ordered to be taken on record.

As per the said reply, an enquiry was got conducted by the SSP as regards registration of DDR No. 034 on 12.07.2021 (pertaining to a statement recorded by the complainant at the Civil Hospital Mamdot), and it was found that the statement of the complainant had been recorded on that

date by ASI Lakhwinder Singh (and not by ASI Gurpreet Singh as was wrongly stated by the DSP in his affidavit dated 21.10.2021), to the effect that the matter may be compromised between the parties and if it is not compromised, he would record a statement by coming to the police station.

The said statement, as per the SSP, was recorded vide DDR No. 035, on 12.07.2021 (a copy of which has been annexed along with the affidavit which obviously shows that it was not DDR No. 034 as was recorded qua the complainant statement).

Be that as it may, as regards the merits of the case, though learned counsel for the petitioner submits that the injury attributed to the petitioner with a '*Kapa*' on the arm of the complainant was found to be simple in nature and only the injury attributed to his co-accused Dalip Singh on the leg of the complainant was found to be grievous, however, it is obvious that as per the allegations at least, both the said co-accused were armed with '*Kapas*' with which they attacked the complainant; and consequently I would find no ground to entertain this petition seeking that the petitioner be admitted to anticipatory bail.

Hence, without making any comment on the actual merits of the case, the petition is dismissed.

However, no observation made by this court either in this order or any previous order, would be taken into consideration to determine the actual guilt or innocence of the petitioner, all such observations having been made only in the context of a petition filed under the provisions of Section 438 of the Cr.P.C.; and naturally, his guilt/innocence would be determined on the basis of evidence gathered/led.

It is to be noticed that at this stage learned counsel for the petitioner submits that it is a case of one version with a cross-version thereto also recorded.

Obviously, if any petition comes up seeking that any accused in the cross-version to the FIR be admitted to bail, that would be considered on its own merits.

December 21, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.