

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.41676 of 2021

Date of Decision: October 12, 2021

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Surinder Thakur, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

Mr.Bhanu Partap, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.226 dated 23.09.2021, under Sections 326, 323 and 324 IPC, 1860, registered at Police Station, Model Town, District Hoshiarpur. The petitioner apprehends his arrest at the hands of police.

The contents of the FIR, as noticed by the Additional Sessions Judge, Hoshiarpur in his order dated 28.09.2021, are as under:-

“As per version of prosecution, the instant FIR was registered on the statement of complainant Harbhajan Singh son of Jit Singh, resident of Village Bassi Maroof Siala (Naye Ghar), Police Station Hariana, District Hoshiarpur who stated that he is an agriculturist. On 8.9.2021, at about 5.00/5.30 PM, he alongwith his son Simranjit Singh were going to bringing fodder from their fields at Village Kakkon on their ‘Rehra’. In the meanwhile Harjinder Singh son of Parsan Singh made phone call to his son for sending his father i.e. complainant

towards fields. Complainant reached the fields and his son went to take fodders on 'Rehra'. Harjinder Singh was standing there and he (complainant) asked him that why he called him to which he at once started giving 'Datar' blows upon him. Two blows hit on his left arm and one blow hit on left shoulder and he fell down on the ground. When he was laying down on the ground, Harjinder Singh struck blow with 'Datar' on his left leg which was already having plates and on knee. He raised alarm of 'Mar-Ditta Mar-Ditta' and then Harjinder Singh slipped away from the spot alongwith 'Datar'. His son Simranjit Singh came at the spot and took him to Civil Hospital. The motive behind the occurrence was that there is already dispute with regard to 'Batt' and eucalyptus trees with Harjinder Singh and due to this grudge, he inflicted injuries to complainant."

Learned counsel for the petitioner has argued that as per the allegations, no reason has been assigned by the complainant for the alleged occurrence for causing the injuries to him by the petitioner. He submits that the FIR was lodged after a delay of two weeks and the petitioner is willing to join the investigation, therefore, he be granted the concession of pre-arrest bail.

Learned State counsel, assisted by ASI Bakshish Singh has opposed the prayer and submitted that the petitioner is the only accused, who was armed with datar and caused injuries upon the complainant. He has produced the medico-legal report of the victim and submitted that injury No.1 on the left leg has been declared grievous.

During the course of hearing, it is not disputed by the learned counsel for the petitioner that the civil litigation between the parties is also pending.

After hearing the learned counsel for the parties, this court

finds that as per the prosecution, victim suffered in all four injuries and injury No.1 was caused by sharp edged weapon, which has been declared as grievous. Apart from it, the complainant has specifically named the petitioner as an accused and the reason behind this occurrence has also been narrated as dispute between them is going on.

Resultantly, no case is made out for grant of extraordinary concession of pre-arrest bail to the petitioner.

Dismissed.

October 12, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No