

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

(Sr. No. 102)

CRM-M No. 42140 of 2021

Date of decision : 07.10.2021

Harwinder Singh @ Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. K. S. Brar, Advocate for the petitioner.

Mr. H. S. Multani, AAG, Punjab.

Mr. K. S. Sekhon, Advocate for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 143 dated 12.08.2021 registered under Sections 307/324/323/506/427/34 IPC at Police Station Sangat, district Bathinda.

Briefly stated, the case of the prosecution is that on 11.08.2021, at about 07:00 a.m., the petitioner and his co-accused, stopped the complainant from irrigating his field. Thereafter, they abused and attacked the complainant. In the course of the said attack, the petitioner, who was armed with a *Kassia* (spade) inflicted a blow on the complainant's forehead and when the complainant's son Hardeep Singh came to save his father, the petitioner caused a grievous injury on him as well. In all, the petitioner and his co-accused inflicted as many as 3 injuries on the

complainant which included an injury which was later declared to be dangerous to life and 2 injuries on the complainant's son-Hardeep Singh, out of which one injury, which is attributed to the petitioner, has been declared as a grievous injury.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as the complainant and the petitioner are having a civil dispute between them with regard to their land; the petitioner is not involved in any other criminal case; the injury attributed to the petitioner on Hardeep Singh is opined to be inflicted by a blunt weapon, whereas a spade is a sharp edged weapon; it is the complainant side who were the aggressors and inflicted two injuries on co-accused Bhagwant Singh and Ram Singh and that the petitioner is also ready and willing to join the investigation.

The petitioner and his co-accused are sought to be prosecuted for attempt to murder. The petitioner is specifically attributed an injury with a spade on the complainant's head and a grievous injury on the complainant's son-Hardeep Singh. The argument raised on behalf of the petitioner that the grievous injury on Hardeep Singh could not be attributed to the petitioner cuts no ice with this Court as the spade, which the petitioner is alleged to be armed with, has both a blunt and sharp side to it. Further, the allegations are that the petitioner and his co-accused, with a common intention, cumulatively inflicted as many as 5 injuries on the complainant and his son, out of which one has been declared to be dangerous to life and one as a grievous injury.

In the light of the above serious allegations against the

petitioner, no ground for the grant of anticipatory bail is made out.

Dismissed.

07.10.2021

sunil yadav

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No