

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

Sr. No. 103

CRM-M No. 42417 of 2021

Date of decision : 28.10.2021

Gurpreet Singh @ Gopi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Naresh Kumar, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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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.7 dated 18.01.2021 registered under Sections 307, 324, 323, 506, 148 and 149 IPC (Section 326 IPC added later on) at Police Station Tanda, district Hoshiarpur.

Briefly stated, the case of the prosecution is that on 13.01.2021, the complainant and his friend Manpreet son of Roop Singh were celebrating Lohri festival. Co-accused Manpreet Singh @ Ricky, Gurpreet Singh @ Vicky and Gurpreet Singh @ Gaurav, who were the complainant's neighbours, were bursting crackers on the roof of their house. Manpreet @ Ricky burst a cracker towards the complainant which resulted in burning of his clothes. When the complainant protested, Manpreet Singh @ Ricky, Gurpreet Singh @ Vicky and Gurpreet Singh @ Gaurav abused and

threatened the complainant. Thereafter, at about 08:15 p.m., on the same day, when the complainant went outside, the petitioner and his co-accused, who were armed, attacked him and inflicted as many as six injuries on his person which included a Khanda blow on his head and two fractures. When the complainant raised alarm the petitioner and his co-accused fled the scene along with their respective weapons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case at the behest of the complainant who is inimical towards him; the petitioner does not face any other criminal case; even if the case of the prosecution is taken as a gospel truth, though vehemently denied, only a simple injury is attributed to the petitioner; co-accused Manpreet Singh @ Ricky and Gurpreet Singh @ Vicky have been granted ad interim anticipatory bail by a Coordinate Bench of this Court and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

On 13.01.2021 co-accused Manpreet Singh @ Ricky, Gurpreet Singh @ Vicky and Gurpreet Singh @ Gaurav had a scuffle with the complainant in the course of which they abused and threatened him. In the night of the same day, when the complainant was going towards his house, the petitioner and his aforesaid co-accused, duly armed and with a common intention attacked him. The said attack resulted in as many as six injuries on the complainant's person which included an injury on his head and two fractures as a result whereof the petitioner and his co-accused are being prosecuted for several offences including attempt to murder and for causing grievous injuries.

In view of serious allegations against the petitioner and because recovery of the weapon allegedly used by the petitioner is still to be effected this Court is of the opinion that the petitioner be not granted anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

28.10.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No