

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

**CRM-M No.44705 of 2021
Date of Decision:-26.11.2021**

Amardeep Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Amardeep Singh Mann, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G, Punjab.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.0096 dated 29.06.2021 registered at Police Station Bhikhi, District Mansa, under Sections 307, 324, 323, 506, 34 IPC (wherein the offence under Section 326 IPC is stated to have been added subsequently vide DDR No.48 dated 27.07.2021), the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled by complainant Gurbinder Singh in the subject FIR, are that the petitioner and his co-accused came to his field and caused injuries to him with weapons like sword, spade and 'Gandhala'.

Learned State counsel has forwarded the Status-report, filed

on behalf of the respondent-State by way of the affidavit of Deputy Superintendent of Police, Sub-Division Mansa and Annexure R-1 to the Court through *e-mail* and these documents are taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that there was a delay of two (02) days in lodging the FIR and this fact itself shows that the petitioner has been falsely implicated in this case and moreover, none of the injuries on the person of the complainant-injured has been declared to be dangerous to life and therefore, the offence under Section 307 IPC is not attracted in this case and in these circumstances, the petitioner deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the complainant-injured was immediately taken to the hospital and he had suffered eleven (11) injuries on his person and keeping in view these facts, the present petition be dismissed.

As regards the contention qua the delay in lodging the FIR, the question as to whether the same was inordinate or was plausibly justifiable, would be looked into and determined by the trial Court at the appropriate stage after appreciating the evidence that may be led on the record during the course of the trial and the same cannot be decided at this stage.

So far as the contention qua the offence under Section 307 IPC having not been made out in this case is concerned, it is worth-while to

mention here that the intention/*mens-rea* and knowledge are the key factors to determine as to whether the said offence is made out or not and this fact will also be a subject matter for consideration and adjudication before/by the trial Court at the relevant stage in the light of the evidence which would be led on the record during the trial proceedings and the same cannot be determined at this stage while deciding the present petition.

To add to it, this Court cannot lose sight of the facts that the complainant is reported to have been inflicted as many as 11 injuries on his person with the weapons like *Kirpan*, sword etc. and the place of occurrence happens to be field of the complainant and the injury on the left knee of the complainant is specifically attributed to the petitioner and the same has been declared to be grievous in nature.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

November 26, 2021

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>