

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM No.M-50373 of 2021

DATE OF DECISION: 06.12.2021

Sohan Lal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harpreet Singh Jakhal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General,
Punjab for the respondent-State.

Mr. Priyanshu Kamra, Advocate
for the complainant.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No.74 dated 13.06.2021 registered
under Sections 323/324/148/149 IPC and Section 326 IPC (added later on)
at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner argues that the present case
is a case of version and cross version and agressor party is yet to be
ascertained and, therefore, as the petitioner is ready to join the
investigation and cooperate, the petitioner be granted the benefit of
anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State Counsel submits that in the present case, tip of the thumb of the victim has been amputated, which is a grievance injury and the weapon used by the petitioner is yet to be recovered for which, custodial interrogation of the petitioner is very necessary.

Learned counsel for the complainant argues that on an earlier occasion also a similar kind of incident happened where injuries were suffered by the victim and again the injuries have been inflicted upon the victim and even his major part of the thumb has been amputated. Learned counsel submits that grant of anticipatory bail to the petitioner will only influence the investigation.

I have heard the learned counsel for the parties and gone through the record of the case with their able assistance.

Once there are serious allegations and the allegations against the petitioner are specific of attributing the injuries as well as weapons used and those weapons are yet to be recovered from the petitioner and the truth in respect of the said incident is yet to be elicited by the Investigating Agency during the investigation, the purpose of investigation will not be achieved in case prayer of the petitioner is accepted so as to allow him to join the investigation and cooperate.

Further, this is not a case, where allowing the petitioner to join into investigation and co-operate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in **State represented by the C.B.I. Vs. Anil Sharma, 1997(4) R.C.R.(Criminal) 268**, has held that in case where serious allegations have been alleged and the truth needs to be

elicited from the accused, the same can only be done through the custodial

interrogation as compared to questioning a suspect, who is already on anticipatory bail.

No ground is made out to grant the benefit of anticipatory bail to the petitioners.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

December 06, 2021

jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable : Yes / No