

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 51104 of 2021 (O&M)

Date of Decision: 15.12.2021

Madan Singh @ Midha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Rangi, Advocate and
Mr. Saurav Bhatia, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in DDR No. 03 dated 15.2.2021 as cross case in FIR No. 25 dated 14.2.2021 registered under Sections 323, 324, 341, 506, 148, 149 IPC, later on added Section 326 IPC at Police Station City Rupnagar, District Rupnagar.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the instant FIR. It is submitted that it is case of version and cross-version. Initially, an FIR was registered at the instance of one Acchar Singh against the complainant of the instant DDR i.e. Parveen Singh and various other persons. It is submitted that the cross-case was registered after one day of the alleged occurrence in order to harass the petitioner and exert pressure upon him. No explanation has been furnished as to what prevented the complainant to get the DDR registered

and why he waited for 24 hours to lodge his grievance with the police. It is submitted that nothing is to be recovered from the applicant and the applicant is ready to join the investigation.

Notice of motion.

Appearance has been caused on behalf of the State. While opposing the anticipatory bail, it is contended that initially the FIR in this case was got registered by Acchar Singh, who is one of the co-accused in cross-version case/DDR No.3 dated 15.2.2021 registered at the statement of Parveen Singh. As per the allegations in the FIR and cross allegations in the DDR, during the Municipal election day i.e. 14.2.2021 the supporters of two main political parties fought amongst themselves during which some persons received injuries on both side. It was like a fight free for all. A specific role has been attributed to the petitioner, who while wielding a sword in his hand, attacked the complainant and, therefore, he does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties and with their assistance have perused the paper book.

As per the allegations made by the complainant—Parveen Singh in the DDR, there was Municipal election on 14.2.2021 and during the course of election opposite party comprising of Acchar Singh and others had launched a severe attack on him and others. It is specifically alleged that the petitioner herein, who was armed with a sword, had hit sword blows on the person of the complainant—Parveen Singh as a result of which his left arm and palm received serious injuries, which has been declared grievous injuries as per medical record of the PGI, Chandigarh.

In view of the facts that the complainant received grievous injuries and the weapon of offence is yet to be recovered, this court is not inclined to grant anticipatory bail to the petitioner.

In view of the above, the instant petition is hereby dismissed. However, it is made clear that any observations made herein above have been made only for the purpose of disposal of this petition, which shall have no bearing on the merit of the case.

15.12.2021*prem***(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned :	Yes
Whether Reportable :	No