

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 204

CRM-M-1245-2022

Date of decision : 16.03.2022

Paramjeet Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.P.S.Dhaliwal, Advocate, for the petitioner.

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.Gazi Mohd. Umair, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition the petitioner seeks regular bail in FIR No.92 dated 21.08.2021 registered under Sections 326, 182, 193, 194, 211 and 120-B IPC at Police Station Longowal, District Sangrur.

Briefly stated, the case of the prosecution is that on 21.08.2021 the petitioner lodged a FIR under Sections 324, 323 and 34 IPC against Najar Singh, Gurpreet Singh, Lovepreet Singh and Jagtar Singh; in such FIR it was alleged that the aforesaid accused persons had caused injuries to him; such injuries included a grievous injury; Jaswinder Kaur wife of Najar Singh, filed an application seeking to get the matter inquired into by a senior police officer; in pursuance to such application, DSP, Crime Branch, Sangrur held an inquiry in which it was found that it was the petitioner who had got self inflicted the injuries upon himself to falsely implicate the aforesaid accused persons and resultantly, the petitioner is sought to be proceeded against under Sections 326, 182, 193, 194, 211 and 120-B IPC.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; it is the petitioner who had lodged the FIR of having received injuries at the hands of the originally named accused persons; DSP, Crime Branch, Sangrur, on the basis of surmises and conjectures, held the petitioner to be the

petitioner who had self inflicted the injuries upon himself; there is no medical opinion that

the injuries upon the petitioner were self inflicted; the petitioner has no other criminal antecedents; the petitioner is in custody since 19.11.2021; the investigation in the case is complete; Section 326 IPC is not made out against the petitioner as it is the petitioner who had received the injuries; he did not cause any injury to anyone; Section 194 IPC is also not attracted to the facts of the case as the alleged fabrication of false evidence would not lead to conviction in a capital offence; Sections 182 and 193 IPC, even if attracted to the case, are bailable offences and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that the petitioner has fabricated evidence to involve innocent persons.

The petitioner is in custody since 19.11.2021; he has no other criminal antecedents; the investigation in the case is complete; prima facie Section 326 IPC is not made out against the petitioner as it is the petitioner who allegedly received the injuries and is not even alleged to have caused any injury to anyone else; prima facie Section 194 IPC is also not attracted to the facts of the case as the alleged fabrication of false evidence would not lead to conviction in a capital offence; Sections 182 and 193 IPC, even if attracted to the case, are bailable offences and that the petitioner's trial, which is yet to begin, will take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sangrur, the petitioner is directed to be released on bail.

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

16.03.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No