

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Sr. No.109**

**CRM-M-2010-2022**

**Date of decision: 19.01.2022**

Harwinder Singh @ Happy

.....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. S.K. Verma, Advocate, for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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**DEEPAK SIBAL, J. (Oral)**

The matter has been taken up through video conferencing.

Through CRM-M-42140-2021 – Harwinder Singh @ Happy vs. State of Punjab, the petitioner had earlier approached this Court for the grant of anticipatory bail in FIR No.143 dated 12.08.2021 registered under Sections 307, 324, 323, 506, 427 and 34 IPC at Police Station Sangat, District Bathinda, which petition of his was dismissed on 07.10.2021. The operative part of such order reads as under:-.

“The petitioner and his co-accused are sought to be prosecuted for attempt to murder. The petitioner is specifically attributed an injury with a spade on the complainant's head and a grievous injury on the complainant's son-Hardeep Singh. The argument raised on behalf of the petitioner that the grievous injury on Hardeep Singh could not be attributed to the petitioner cuts no ice with this Court as the spade, which the petitioner is alleged to be armed with, has both a blunt and sharp side to it. Further, the allegations are that the petitioner and his co-accused, with a common intention, cumulatively inflicted as many as 5 injuries on the complainant and his son, out of which one has been declared to be dangerous to

life and one as a grievous injury.

In the light of the above serious allegations against the petitioner, no ground for the grant of anticipatory bail is made out.

Dismissed.”

Through the present petition, the petitioner reiterates his prayer for the grant of anticipatory bail on the ground that three of his co-accused namely Ram Singh, Bhagwant Singh and Harwinder Singh @ Kala have been granted anticipatory bail by this Court; co-accused Bhagwant Singh has stated that the petitioner was not present at the spot when the alleged offence took place and that injury on Basant Singh's forehead has wrongly been declared to be dangerous to life as the same is based on a medical opinion by a private doctor.

The petitioner had earlier approached this Court for the relief claimed through the present petition. Such claim of his was considered and rejected on its merits primarily for the reason that the petitioner had been attributed an injury with a spade on the complainant's forehead which injury had been declared to be dangerous to life as also because he had allegedly inflicted a grievous injury on the complainant's son – Hardeep Singh.

Co-accused Ram Singh and Bhagwant Singh were granted anticipatory bail as they were attributed only simple injuries and co-accused Harwinder Singh @ Kala was granted the same relief as no injury was attributed to him. Thus, their cases were completely distinguishable from the petitioner's case.

The petitioner's plea for anticipatory bail cannot be accepted merely because the opinion with regard to the injury attributed to the petitioner is not forthcoming from a Government hospital.

The statement by co-accused Bhagwant Singh with regard to the petitioner not being present at the spot also cannot be made the basis to grant the petitioner anticipatory bail.

Dismissed.

**January 19, 2022**

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**(DEEPAK SIBAL)**

**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No