

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 113

CRM-M-3059-2022

Date of decision : 25.01.2022

Gurpreet Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Brijesh Nandan, Advocate, for the petitioner.

Ms.Rashmi Attri, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.80 dated 24.10.2021 registered under Sections 324, 323, 148, 149 and 506 IPC (Section 326 IPC added later on) at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.

Briefly stated, the case of the prosecution is that after the petitioner raised lalkara, he and co-accused Satnam Singh, who were armed with datars, inflicted injuries on Thakur Singh. Satnam Singh gave a blow on Thakur Singh's right leg whereas the petitioner gave a blow on his right forearm. Both the injuries resulted in fractures.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as a civil litigation as also a litigation under Section 138 of the Negotiable Instruments Act, 1881 are pending between the parties; there is an unexplained delay of three days in lodging of the FIR; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the petitioner is attributed a single injury on a non-vital part of Thakur Singh's person and that the petitioner is also ready and willing to join the investigation.

Admittedly, the petitioner faces another criminal case under Sections 326, 341, 324, 148 and 149 IPC and while on bail in that case is alleged to have committed another offence which is the subject matter of the present petition. He has, thus, misused the concession of bail granted to him.

In view of the above and for the reason that the injury attributed to the petitioner is by a sharp edged weapon which caused a deep cut into the forearm of Thakur Singh down to his bone and even fractured it as also because the plea of anticipatory bail of similarly placed co-accused Satnam Singh has already been dismissed by this Court, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail especially when the weapon allegedly used by him in the commission of the offence he is accused of is still to be recovered from him.

Dismissed.

25.01.2022

shamsher

[DEEPAK SIBAL]
JUDGE

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