

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6863-2022

Date of Decision: 22.02.2022

Tarsem Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Karanjeet Singh Brar, Advocate, for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. P.K.S. Phoolka, Advocate, for the complainant.

Harnaresh Singh Gill, J.

Case is taken up for hearing through Video Conferencing.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case bearing FIR No.338 dated 16.12.2021 under Sections 326, 325, 341, 323, 148, 149 IPC registered at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner contends that as per the version contained in the FIR, the petitioner had allegedly given an exhortation (Lalkara) and that the further version that the petitioner had given gandasi blows on the right leg of the complainant, is falsified from the very fact that co-accused Gurdas Singh has also been attributed injury with iron rod on the right leg of the complainant, but as per the MLR, there was only one injury on the right leg of the complainant. Learned counsel for the petitioner would, thus, contend that if the version contained in the FIR is taken to be correct, then there must have been two injuries on the right leg of the complainant.

Yet further, learned counsel for the petitioner contends that the complainant, his brother Avtar Singh and their accomplices had committed the murder of Chuhar Singh @ Sukhdev Singh, father of the petitioner; that they had been convicted and sentenced by the trial Court; that the petitioner had filed a suit for compensation, which was decreed and when the complainant failed to honour the decree, then in the execution proceedings, sale deed of the land belonging to the complainant was executed; that even then the complainant party continued ploughing said land, pursuant to which FIR No. 162 dated 29.06.2019 under Sections 447, 511, 506 IPC was registered at Police Station Sadar Mansa against the complainant and his brother Avtar Singh, in which they are facing trial.

On the other hand, learned State counsel assisted by the counsel for the complainant states that the petitioner has been attributed specific injuries i.e. gandas blow on right leg and another blow with the back side of the gandas on the left leg of the complainant. And hence, the petitioner is not entitled to the grant of concession of bail.

I have heard learned counsel for the parties.

Considering that the petitioner has been attributed specific injuries and that too with the gandas, resulting into the piercing of the bone of the right leg of the complainant, and further the fact that it was the petitioner, who had given exhortation to the co-accused to attack the complainant party, I do not find that any case is made out for grant of anticipatory bail to the petitioner.

Dismissed.

22.02.2022
ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No