

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-17309-2022

Date of Decision: May 31, 2022

Gurpreet Jakhu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Vivek Puri, J.

The petitioner is seeking anticipatory bail in the case bearing FIR No. 30, dated 15.02.2022, under Sections 323/324/326/354/148/149 of the Indian Penal Code, registered at Police Station Nakodar Sadar, Jalandhar.

Briefly, the FIR has been registered on the basis of the statement of Ratan Kumar-complainant alleging that on 10.02.2022, he was returning back to his house. Baljinder Kaur and Mamta, mother and sister, respectively, of the petitioner pelted bricks upon him. The petitioner along with two unidentified persons armed with weapons tried to enter the house of the complainant. The petitioner inflicted sword blow and the complainant raised his left hand to ward off the blow and the left

hand started bleeding. The assailants also gave slaps to the wife of the complainant. The unidentified persons inflicted sticks blows on the back of the complainant.

Learned counsel for the petitioner contends that the injuries on the person of the complainant are self inflicted and the petitioner has been falsely implicated on account of civil dispute. It has been argued that the mother of the petitioner has instituted a civil suit against Ravi Kumar, the brother of the complainant and on that score, the injuries have been inflicted. Furthermore, there is a delay of 5 days in lodging the FIR.

On the contrary, the bail application has been opposed on the score that the injury under Section 326 of the Indian Penal Code has been attributed to the petitioner and the recovery of weapon of offence is yet to be effected.

It will be too early to conclude that the petitioner has been falsely implicated on account of civil dispute. The pendency of the civil dispute can be a motive for inflicting injuries also. Moreover, the version of the prosecution cannot be termed to be doubtful at this stage on account of delay in lodging the FIR particularly because the complainant was medico legally examined on 10.02.2022. It has also been mentioned in the FIR that the panchayat of the village was making effort for amicable settlement between the parties. The injury on the left hand has been attributed to the petitioner. The said injury has been caused by means of sword blow and the same has been declared to be grievous in nature caused by sharp edged weapon. The recovery of weapon is yet to be

effected. As such, no extra ordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

The instant petition is dismissed accordingly.

May 31, 2022
vkd

[Vivek Puri]
Judge

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