

**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-17867-2022
Date of decision : 29.04.2022**

Shivam Kumar @ Shubham Kumar **...Petitioner**
Vs.
State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.S.Sidhu, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.35 dated 14.02.2022 under Sections 323, 324, 452, 148 and 149 Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Canal Colony, District Bathinda, who apprehends his arrest at the hands of Police.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Bathinda in the order dated 20.04.2022 are as under:-

“Perusal of the file reveals that this case was registered on the testimony of complainant Raj Kumar on the allegations that on 13.2.2022 at about 8.30 p.m., he was returning home that near the house of Pawan Kumar, Shubham Kumar, his father Bindu, Vicky Photographer, Tidda, all armed with swords alongwith Aman and 2-3 unknown persons started beating some unknown persons and he stopped them from doing so and returned home. Lateron, at about 10.00 p.m., they all trespassed into his house. Shubham gave a sword blow on his left eye. Bindu gave a sword blow on his head. Vicky gave a sword blow on his back. He fell. Tidda gave a sharp edged weapon blow with some weapon on his back. Remaining persons also inflicted injuries and they also had a scuffle with his sister.”

Learned counsel for the petitioner has argued that in the alleged occurrence, petitioner also received three injuries and cross case through DDR No.21 dated 15.02.2022 also got registered on his statement. He further submits that petitioner has been falsely implicated in this case as the alleged occurrence took place on 13.02.2022, whereas FIR was registered on the next day. Learned counsel has argued that it would be seen during trial that which party was aggressor, therefore, in the given facts, the custodial interrogation of the petitioner may not be necessary as he is willing to join the investigation. He prays for grant of anticipatory bail to the petitioner.

During the course of hearing, it is not disputed by learned counsel that the injury suffered by the victim being fracture was declared as grievous.

After hearing learned counsel, this Court finds that the alleged occurrence is admitted and as per allegations, the petitioner, who was armed with a sword entered the house of the complainant and caused injuries upon him, as in the morning when the accused were thrashing someone, the petitioner had intervened to save the said person. Apart from it, name of the petitioner along with other accused persons is specifically mentioned in the FIR, therefore, considering the seriousness of the crime, this Court is of the opinion that it is not a fit case for extending the concession of pre-arrest bail to the petitioner as his custodial interrogation may be necessary.

Dismissed.

(MANOJ BAJAJ)
JUDGE

29.04.2022

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No