

CRM-M-18765-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18765-2022
Reserved on: 24.08.2022
Pronounced on: 29.08.2022

Deepak Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. H.S. Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
35	24.02.2022	Daresi, Distt. Ludhiana	307, 341, 506, 148 & 149 IPC (Section 427 IPC added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In the bail petition, the petitioner is silent about criminal antecedents.
3. As per para 4 of the status report dated 2.07.2022 filed by the State, on Feb 24, 2022, the complainant Ravinder Singh informed the police that the petitioner-Deepak along with his brother-in-law, would play music at a very high volume, creating annoyance in the locality, and despite repeated requests, they did not mend their ways. Even on the date of occurrence, a scuffle ensued between them and the people living in their neighborhood on account of the nuisance created because of the high volume of the music played by the petitioner on his music player.
4. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. Ld. counsel representing the State opposes the bail.

REASONING:

6. The specific assaults attributed to the petitioner are that targeted sword blow on the complainant's head, but he pushed the petitioner and ran, but the petitioner and

CRM-M-18765-2022

Sahib Shah chased him and they were carrying swords. Petitioner inflicted a sword blow but Paramjeet and Ravi saved him; however, after that the petitioner gave another blow from sword which hit the right side of the complainant's forehead. The status report refers to the MLR, which mentions wound on the right parieto temporal region of head. Although, the allegations were causing injury on the right forehead, but simply because the injury was noticed on a portion higher than that, would not mean that the petitioner did not cause this injury, because it would be extremely hazardous to disbelieve the complainant's version only on account of not exactly mentioning the point of impact.

7. The allegations are serious and offence heinous. The evidence collected so far points out that the petitioner brutally and mercilessly assaulted the complainant. Given the nature of injuries and preparations made for such assault, it does not entitle the petitioner to bail at this stage. Any further discussions might prejudice the case of the petitioner as such this court refrains to elaborate more. The allegations of cross-versions, in the present case might be ground for seeking regular bail under section 439 CrPC, but given the injuries attributed to the petitioner, his custodial interrogation is required.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All interim orders granting bail stand vacated.

All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

29.08.2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.