

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

CRM-M-21392-2022 (O&M)
Date of Decision:- 31.5.2022

Harsimran Singh @ Kinnu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gagandeep Singh Bajwa, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Kunal Vinayak, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 27 dated 11.3.2022 under Sections 323, 324, 326/34 IPC at Police Station D-Division, District Amritsar.
2. The FIR was lodged at the instance of Deepak Singh wherein it has been alleged that Harsimran Singh @ Kinnu and Nona, who were known to him had taken loan for an amount of ₹7,000/- but were not returning back the same. It is alleged that on 23.2.2022, complainant's cousin Vishal received a telephone call from Harsimran Singh asking him to tell the complainant to collect his amount. Consequently, at about 7:30 p.m., the complainant alongwith his cousin Vishal reached Shakti Nagar where Harsimran Singh, Nona and three unknown persons were standing. When the complainant demanded his money back from Nona, the accused started quarreling with him. Harsimran Singh held the complainant Deepak Singh while Nona took

out a knife (*kirch*) and thrust the same in complainant's abdomen and thereafter they fled away.

3. The learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, it is the co-accused who is stated to have inflicted injury to the complainant and that the petitioner is alleged to have merely caught hold of the complainant and is not even stated to be armed with any weapon.
4. On the other hand, the learned State counsel, assisted by counsel for the complainant, while opposing the petition, has submitted that the petitioner cannot escape from his liability inasmuch as it was only on account of the petitioner having held the complainant that the co-accused inflicted injuries to the complainant.
5. I have considered rival submissions addressed before this Court.
6. There are specific allegations levelled in the FIR to the effect that while the petitioner held the complainant, the co-accused stabbed the complainant with a *dagger*. The aforesaid allegations are duly borne out from the medical record. The MLR of the complainant reveals that he had sustained the following two injuries :-

“1. A Spindle Shaped Stab wound of size 3.2 x 2.5 cm present on the left side of the abdomen on its Anterolateral Aspect. The wound is placed 23.5 cm above the left Anterior Superior ILIAC Spine at 12 O Clock position. The margins of the wound are regular and clean cut. The soft tissue alongwith yellow colored Peritoneal Fat is seen protruding out of the wound. Fresh bleeding is present. Depth not probed. Tenderness and Guarding is present.

2. A Diffuse Swelling of size 3.2 x 2.2 cm present on the front of the left leg, placed 14.1 cm above the left Lateral Malleolus, associated with pain and tenderness.”
7. The petitioner had played a pivotal role in the commission of offence inasmuch as he by holding the complainant he had facilitated the co-accused to inflict injuries to the complainant.
8. Bearing in mind the aforesaid role and the nature of injuries inflicted to the complainant, this Court does not find any special case for grant of anticipatory bail to the petitioner.
9. The petition is sans merit and is hereby dismissed.

31.5.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No