

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

Criminal Misc. No.M-23279 of 2022(O&M)

Date of Decision: May 26, 2022

Gurjant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Ranjit Singh Sidhu, Advocate
for the petitioner.

Mr.B.S.Sewak, Addl.AG, Punjab.

Mr.Ishan Gupta, Advocate for
the complainant.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.41 dated 14.04.2021 under Sections 323, 341, 148, 149 IPC and Sections 325, 308, 120-B IPC added later on, Police Station Longowal, District Sangrur.

The FIR was lodged on the statement of one Varinder Singh, who stated that on 14.04.2021 at about 8.45 A.M., he was going to attend his duty on his motorcycle. When he reached near turning point of bridge Ubhawal, then one white car make I20 came from behind, wherein, four unidentified persons were sitting. The driver of the car intentionally hit the rear side of the motorcycle. The complainant somehow managed to balance. The car driver again struck the car against the motorcycle of the

complainant, as a result of which the complainant fell down. The occupants of the car alighted from the car and encircled the complainant. They were armed with sickle, rod, *gandasa* and iron pipe. The complainant was caught from hair and injuries were inflicted upon him. He started bleeding profusely and raised *raula*. At that time, one of the unidentified persons while speaking on his phone said that Bharpur Singh be informed that they have done the work. On seeing the people gathering, the accused persons fled away in the car.

Ld. counsel for the petitioner contends that the alleged incident occurred in April 2021. The FIR was immediately registered against unknown persons on the same day i.e. 14.04.2021. Thereafter, on 19.04.2022, the complainant made a supplementary statement and co-accused Mani Singh and Navdeep @ Navi were nominated as accused. The name of the petitioner surfaced in the disclosure statement of co-accused Mani, as being the person, who was driving the car at the time of the incident. It is argued that the petitioner is being falsely implicated. Even as per the prosecution there is no allegation of the petitioner having caused any injury to the complainant.

Mr.B.S.Sewak, Ld.Additional Advocate General, Punjab has stated that the petitioner is involved in as many as five other criminal cases including for offences under Sections 307, 379, 420, 306, etc. IPC and Section 25 of the Arms Act. He further stated in the present case, the petitioner was the main person leading the assailants. Mani Singh in his disclosure statement stated that Birbal Singh co-accused had proposed that the legs of Varinder Singh-complainant be broken. He had assured that he

would pay Rs. 70,000/- for this purpose. Thereafter he along with Harwinder Singh @ Jassi, Navdeep Singh @ Navi and the petitioner caused injuries to the complainant. The petitioner paid Rs.10,000/- to co-accused after the incident .

Mr.Ishan Gupta, Ld. Counsel for the complainant has contended that the petitioner was driving the vehicle (I20). He deliberately and intentionally hit the motorcycle of the complainant twice to cause the complainant to fall down. It thus enabled all the accused persons, including the petitioner, to encircle the complainant and inflict grievous injuries on him. He contends that out of the six injuries suffered by the complainant, four were declared grievous in nature. He has placed on record certain photographs depicting the injuries on the person of the complainant. It is stated that the injuries have rendered the complainant handicapped. Even now he is unable to walk without the support from another person.

In view of the above, considering the gravity of the offence and particularly the role attributed to the petitioner, the benefit of anticipatory bail cannot be extended to him.

Petition dismissed.

May 26, 2022

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No