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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24564-2022
Date of Decision:31.05.2022

Balwinder Singh @ Bal

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Anand Kaushal, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.102 dated 22.04.2022, under Sections 323, 324, 379, 506, 341, 34 IPC (Section 325 IPC added later on), registered at Police Station Sadar Amritsar, District Amritsar.

As per the FIR which was lodged on the basis of statement made by one Puneet Singh @ Peeta whereby he alleged that he is working at Lehangan Wali Shop, Gali Gurdwara, Gopal Nagar, Majitha Road, Amritsar. On 21.04.2022 at about 01.40 P.M when he and his friend namely Juwi in search of work were going towards a factory and when they reached the Ganda Nala, then Manpreet Singh @ Manna, Sandeep Kumar @ Dana and Balwinder Singh @ Bal (Petitioner) who were the residents of

Ram Nagar Colony, Majitha Road, Amritsar surrounded them and asked his friend Juwi that they had nothing to do with her but then they surrounded the complainant and took him to Ram Nagar Colony, Gali No.3 and said that they will teach him a lesson. Thereafter Manpreet Singh @ Manna attacked him with datar hitting left side of his head, Sandeep Kumar @ Dana attacked him with kahi and in order to save himself, he put forward his right hand and, therefore, it hit on his right hand and one Lakha attacked him with his sword hitting right side of his head and thereafter he fell down on the ground. The present petitioner namely Balwinder Singh @ Bal attacked him on his waist with iron kara which he was wearing and started beating him while it was lying on the ground and his clothes were also torn off. It has been further stated in the FIR that the reason of dispute was that the aforesaid accused persons were saying that he is a friend of one Vishal Bhaiya.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case because he was not even present on the spot and has also stated that there are two more FIRs registered against the petitioner. However, the description of the aforesaid FIRs have not been mentioned in para No.8 of the petition.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has submitted that he has received an advance copy of the present petition and has also sought instructions from the I.O. who is present in the Court. He further submitted that it is a case where about 4 boys including the petitioner surrounded the complainant and started beating him with blunt and sharp weapons with a result that the complainant received 17 injuries out of which 9 were blunt injuries and 1 injury was

grievous and the role attributable to the petitioner was that he had attacked on the waist of the complainant with iron kara. He further submitted that it is case where a gang of 4 people had collectively attacked one boy who is the complainant and caused him 17 injuries and, therefore, the custodial interrogation of the petitioner is required. He further submitted that the petitioner is also involved in two more cases.

I have heard the learned counsel for the parties.

As per the allegations, the complainant was surrounded by four persons when he was going with his friend which ultimately caused him 17 injuries including 9 blunt injuries and 1 grievous injury. The argument raised by the learned State counsel that for the purpose of ascertaining the truthful position, recovery of weapons and ascertaining the motive, the custodial interrogation of the petitioner is required thus carry weight. As per FIR, there is specific role attributable to the petitioner. The plea of *alibi* taken by the petitioner cannot become a ground for grant of anticipatory bail in the absence of any concrete evidence.

Therefore, considering the facts and circumstances and the gravity of the case including the fact that the complainant had received 17 injuries, this Court does not deem it fit and proper to grant bail to the petitioner.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

31.05.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No