

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

208

CRM-M-27477-2021 (O&M)

Date of Decision: 18.07.2022

Birampal & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Suneel Sharma, Advocate, for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Baldev Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.125 dated 12.05.2021 at Police Station Sadar Patiala, District Patiala, under Sections 307/324/323/341/506/148/149 IPC.
2. The FIR in question was lodged at the instance of Chaman lal, wherein it is *inter alia* alleged that petitioner Gaggi @ Sandeep Sharma had inflicted a blow with cricket bat on the head of Madan Gopal, brother of the complainant and that petitioner Birampal had also inflicted two blows with iron rod on the head of Madan Gopal. It is also alleged that Gaggi @ Sandeep Sharma also inflicted another blow with cricket bat on the right arm of the complainant.
3. Learned counsel for the petitioners has submitted that the complainant is serving Police and has falsely implicated the petitioners and in fact it is a case where Harvinder Kumar from the side of the accused had also been

inflicted injuries and although had reported the matter to the police, but the police instead of lodging FIR at his instance, lodged FIR at the instance of the opposite party.

4. Opposing the petition, learned State counsel has submitted that the allegations as leveled in the FIR are duly substantiated from the MLR in respect of Madan Gopal, who was found to have sustained as many as 5 injuries including 2 lacerated wounds i.e. one on his forehead and another on his head, which were both later opined to be 'grievous' injuries. It has further been submitted that as per the opinion of the Doctor, these injuries could have endangered life of Madan Gopal in the absence of medical treatment.
5. I have considered rival submissions addressed before this Court.
6. It is certainly borne out from the FIR and also the MLR in respect of Madan Gopal that the injuries as alleged in the FIR were in fact found on the person of Madan Gopal. It is also borne out that two of the injuries were found to be 'grievous' injuries. As far as the opinion of the Doctor to the effect that the injuries could have endangered life of Madan Gopal in the absence of medical treatment is concerned, the same *ipso facto* may not be sufficient to hold that Section 307 IPC would be attracted though of course the nature of injuries, nature of weapons used and seat of injuries may furnish indication for the same. At the same time, this Court cannot lose sight of the fact that even Harvinder Kumar, uncle of Sandeep Sharma @ Gaggi, has sustained as many as 4 injuries including a lacerated wound on his head, which have not been explained at all in the FIR.

7. Having regard to the aforestated facts and circumstances of the case and while also noticing that the petitioners otherwise are not stated to be involved in any other case, the petition is accepted and the petitioners in the event of their arrest are ordered to be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

18.07.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**