

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

CRM-M-32412-2022
Date of Decision:-**27.07.2022**

GURPINDER SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Rishi Kaushal, Advocate
for the petitioner.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.83 dated 13.6.2022 registered under Sections 323, 325, 148, 149 IPC (Section 308 IPC added subsequently) at Police Station Sadar District Batala.

Notice of motion.

On the asking of the Court, Ms. Samina Dhir, DAG, accepts notice on behalf of State of Punjab.

At this stage, Mr.Keshav Pratap Singh, Advocate has put in appearance on behalf of the complainant and filed power of attorney, which is taken on record.

The counsel for the petitioner submits that initially the FIR in this case was registered under Sections 323, 325, 148, 149 IPC. The counsel for the petitioner further submits that as per the allegations in the FIR the petitioner gave blow of wooden log to the complainant Harcharan Singh and the said injury being grievous in nature was covered under Section 325 IPC. The counsel for the petitioner further contends that subsequent opinion given by the doctor dated 1.7.2022 is totally manipulated one and thus cannot be taken into consideration. The counsel for the petitioner further contends that the other accused have already been granted concession of bail. The counsel for the petitioner further contends that petitioner is ready to join the investigation.

On the other hand State counsel assisted by the counsel for the complainant submit that the blow of wooden log given by the petitioner resulted into fracture of 9th and 10th ribs of right side of complainant-Harcharan Singh aged about 60 years and consequently the concerned doctor declared the said injury as dangerous to life vide opinion dated 1.7.2022, the copy of the same is provided by the counsel for the complainant and the same is taken on record. They further contend that the petitioner is not entitled to get concession of anticipatory bail.

I have considered the submissions made by counsel for the parties.

As per the allegations recorded in the FIR, the petitioner gave blow of wooden log which hit in the right side of the chest of complainant as a result of which, he fell down and then co-accused Jarnail Singh gave '*Dang*' blow which hit below his left eye and co-accused Gurjant Singh

gave '*Datar*' blow with reserve side which hit on his back, then co-accused Jarnail Singh gave '*Dang*' blow which hit on his left leg. Initially the FIR was registered under Sections 323, 325, 148, 149 IPC. As per the X-ray report of the complainant, he sustained fractures of 9th and 10th ribs of right side and the said injury was declared grievous in nature. As per the opinion dated 1.7.2022 given by concerned doctor the aforesaid injury on the right side of the chest of the complainant was found to be dangerous to life.

In the given circumstances taking into consideration the gravity of the offence as well as the fact that the weapon used by the petitioner is yet to be recovered, this Court is of the view that the custodial interrogation of the petitioner is certainly required for the proper and effective investigation of the case.

Consequently, the present petition is hereby dismissed. However, any observation made here-in-above is not to be considered as an expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

27.07.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No