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

CRM-M-34723-2022

Date of Decision: 09.08.2022

Baljit Kumar @ Bunty

..... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Manoj R. Sharma, 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 grant of anticipatory bail to the petitioner in case bearing FIR No.78 dated 22.05.2022, under Sections 452, 324, 323, 382, 341, 342, 506, 148, 149 & 120-B IPC, registered at Police Station City Batala, District Gurdaspur.

It has been submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and he is not involved in any other case. He further submitted that there was 3 days' delay in lodging of the FIR and story put forward by the prosecution was totally false and has, therefore, prayed for grant of anticipatory bail to the petitioner.

Notice of motion.

On the other hand, Mr. R.S. Thind, learned Deputy Advocate General, Punjab, has stated that he has received an advance copy of the present petition and has gone through the same and has submitted on instructions ASI

Surinder Singh that it is a case where the petitioner along with other persons, namely, Sunny, Sagar, Nitin and Arjan collectively came to the shop of the complainant and caused injuries to him. As per the FIR itself, the specific role has been attributable to the petitioner that he along with other persons, out of which one person was also armed with a pistol, entered into the shop of the complainant, namely, Yashpal and dragged him to the chowk where all these persons gave different injuries on the body of the complainant. So far as the present petitioner is concerned, he gave a *Dattar* blow which hit him on the right side of his forehead above the right eye. He further submitted that as per the MLR, there is a sharp edged injury on the forehead of the injured/complainant and in total he received 9 injuries, and therefore, Section 325 IPC was added later on. He also submitted that all the accused in the present case are now absconding and for the purpose of proper investigation, the custody of the petitioner and the other co-accused is required for the purpose of recovery of weapons and also for the purpose of elicitation of truth and has, therefore, opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

As per the allegations contained in the FIR, a group of persons collectively went to the shop of the injured/complainant and gave numerous blows with different weapons to him. So far as the present petitioner is concerned, the specific role has been attributable to the petitioner that he gave a *Dattar* blow on the right side of the forehead above the right eye of the complainant, which according to the learned State counsel is in consonance with the MLR Report.

The argument raised by the learned counsel for the petitioner that

the petitioner is not involved in any other case would not suffice in view of the seriousness of the allegations and 9 injuries received by the complainant/injured. As per the learned State counsel, all the accused are on the run and are absconding. The further argument raised by the learned State counsel that for the purpose of elicitation of truth and for qualitative interrogation, custodial investigation of the petitioner is required, apart from recovering of the weapon used by the present petitioner does carry weight and cannot be ignored.

Learned counsel for the petitioner has also argued that there was a delay of 3 days in lodging of the FIR. However, on a query raised to the learned State counsel with regard to the aforesaid argument raised by the learned counsel for the petitioner, he submitted that the injured was not in a fit state of making a statement, although the police had reached the spot on the same day.

This Court is of the view that although there has been a delay of three days in lodging of FIR in the present case, but the same cannot vest any right on the petitioner for grant of anticipatory bail due to the magnitude and seriousness of the injuries received by the complainant/injured.

In view of the aforesaid facts and circumstances, this Court does not find any merit in the present petition and 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 only meant for the purpose of decision of present petition.

09.08.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |