

105

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

CRM-M-36567-2022

Date of decision : 22.08.2022

Baldev Singh @ Deba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.53 dated 01.07.2022 registered under Sections 323, 324, 326, 452, 148, 149 of the Indian Penal Code, 1860 at Police Station Sarai Amant Khan, District Tarn Taran.

Learned counsel for the petitioner has submitted that the petitioner has been attributed simple injury and there is a delay of 8 days in registration of the FIR and the incident did not actually take place in the house of the complainant but had taken place in a lane.

This Court has heard the learned counsel for the petitioner and has perused the paper book.

FIR, in the present case, was registered on the statement of

Satnam Singh son of Giyan Singh, resident of Gehri who had stated that on 22.06.2022 at about 9:00 pm, he was talking to his family members while sitting in the courtyard of his house and the outer gate of his house was open and the light was on when, the petitioner armed with a pipe alongwith Rooban Singh son of the petitioner armed with Datar, Chamkaur Singh son of Malkit Singh armed with Dang, Jasbir Singh alias Raja son of Malkit Singh armed with Sota, Sukhwinder Kaur wife of Baldev Singh (empty handed) and Malkit Singh alias Meeta son of Achhar Singh (empty handed), entered his house and the said Malkit Singh raised lalkara to teach a lesson to Arshdeep Singh, who is the son of the complainant, for blowing the horn of his motorcycle in front of the door of his house and thereafter, the present petitioner gave a pipe blow upon the head of the complainant and co-accused Chamkaur Singh gave a Daang blow upon the left shoulder of the complainant and when, Balwinder Kaur wife of the complainant came forward in order to save him then, co-accused Rooban gave a datar blow to her which hit on the right side of her thumb and thereafter, the son of the complainant came forward to save them, then Jasbir Singh alias Raja gave Sota/stick blow upon the right ear of his son and thereafter, it has further been alleged in the FIR that nephew of the complainant namely Ajit Singh, after arranging a vehicle got the injured admitted in a Civil Hospital, Kasel where they were under treatment and since, the wife of the complainant had received serious injuries thus, she was referred to Civil Hospital, Tarn Taran. It is further case of the prosecution that three persons suffered injuries in the present occurrence and the MLR regarding the said three persons has been referred to in the FIR itself. Satnam Singh, who is the

complainant has suffered two injuries and one of the injury which has been given is by the present petitioner which is with a pipe on the head of the complainant, that is on a vital part of the body. The wife of the complainant namely, Balwinder Kaur, had suffered one injury which is with a sharp edged weapon and the said injury is grievous in nature and a perusal of para 4 of the order rejecting bail of the petitioner would show that photographs have been produced on record to show that right thumb of the wife of the complainant had to be amputated and the said injuries were declared to be grievous in nature by the Board of Doctors and even son of the complainant has suffered one injury.

From the allegations levelled in the FIR and from the record, the allegations levelled against the petitioner are that he, alongwith five other co-accused, entered into the house of the complainant and had inflicted injuries on three persons. The injury given by the petitioner with a pipe is on the head of the complainant which is a vital part of the body and the injury suffered by the wife of the complainant, which resulted in amputation of her thumb, has been declared to be grievous in nature. As per the FIR, offence under Section 452 of IPC stands made out. The argument of learned counsel for the petitioner to the effect that the incident had taken place in a lane is baseless inasmuch as no such averment has been made in the present petition. With respect to the delay in registration of the FIR, a perusal of FIR would show that initially, the injured persons were referred to Civil Hospital, Kasel but wife of the complainant was further referred to Civil Hospital, Tarn Taran and it has further been stated that efforts were being made to compromise the matter.

In the present case, the recovery of the pipe is yet to be effected from the petitioner.

Keeping in view the abovesaid facts and circumstances, this Court feels that the present case is not a fit case for grant of anticipatory bail to the petitioner. Hence, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

22.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No