

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : CRM-M-37540-2022

Date of Decision : September 30, 2022

Dilpreet Singh and another Petitioners
vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR.

* * *

Present : Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. N. K. Vadehra, Advocate
for the complainant.

* * *

NAMIT KUMAR, J. (Oral) :

This petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.157 dated 26.06.2022, under Sections 323, 324, 427, 506 IPC (Sections 325, 326 IPC added later on) and Sections 25, 27 of Arms Act, 1959, registered at Police Station Civil Lines, District Batala.

Notice of motion in this case was issued on 24.08.2022. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel.

Status Report dated 09.09.2022, by way of affidavit of Shri Lalit Kumar, PPS, Deputy Superintendent of Police, Sub Division City Batala, Police District Batala, has already been filed, which was taken on

record on 09.09.2022.

Learned State counsel as well as learned counsel for the complainant has opposed the prayer made by the learned counsel for the petitioners for grant of anticipatory bail and places reliance upon the order in the case of Sanjay vs. State of Punjab reported as 2010 (22) RCR (Criminal) 628, wherein this Court rejected the anticipatory bail in a case relating to Section 326 IPC.

I have heard learned counsel for the parties and have gone through the record.

The allegations against petitioner no.1 – Dilpreet Singh is that he gave a spade blow from the blunt side on the waist of the complainant and petitioner no.2 – Lovepreet Singh gave a blow with his *datar* upon the complainant, which struck below the elbow of his left arm and he was also carrying a revolver in his hand at that time of occurrence.

At the time of arguments, learned counsel for the petitioners argued that it is a case of version and cross-version and in spite of submitting a complaint dated 26.07.2022 (Annexure P-3) to the SHO, Police Station Civil Lines, Batala, no action has been taken on the said complaint.

In paragraphs no.5 to 7 of the Status Report, it has been stated as under :-

“5. *That, it is humbly submitted that as per the MLR No.56/Pb/CH/BTL/2022 in respect of Harpinder Singh S/o Sadhu Singh resident of Bode di khuhi. The doctor had opined 4 injuries and the injury No.1, 3, 4 as blunt and injury No.2*

as sharp and the injuries No.1, 2, 3 were kept under X ray observation. As per the X ray report No.234 dated 27.06.2022 the doctor had given his report to the effect that the injury No.1 is declared as simple in nature and injury No.2 and 3 are declared as grievous in nature.

6. *That, it is humbly submitted that as per the MLR No.58/Pb/CH/BTL/2022 in respect of Davinder Kaur W/o Gulzar Singh resident of Bode di khuhi. The doctor had opined 5 injuries and the injury No.2, 4, 5 as simple and injuries No.1 and 3 were kept under X ray observation. As per the X ray report the doctor had declared the injuries No.1 and 3 as simple in nature.*

7. *That, it is humbly submitted that as per the MLR No.59/Pb/CH/BTL/2022 in respect of Dilpreet Singh S/o Gulzar Singh resident of Bode di khuhi. The doctor had opined 5 injuries and the injury No.4, 5 as simple and injuries No.1, 2 and 3 were kept under X ray observation. As per the X ray report the doctor had declared the injury No.1 and 2 as simple in nature and injury No.3 as grievous in nature.*

A bare perusal of the aforesaid from the Status Report reveals that injuries inflicted upon the complainant are not only simple ones, but there are grievous injuries also. Moreover, both the petitioners are real brothers and even after grant of anticipatory bail to the other co-accused, they are trying to take law in their own hands by interfering in possession of the land in dispute as has been recorded in the order dated 03.08.2022 passed by the learned Additional Sessions Judge, Gurdaspur.

In addition to the aforesaid, allegation of carrying weapon is also there against petitioner no.2.

Since the case is still under investigation and challan/final report under Section 173 Cr.P.C. has not been filed before the concerned Court yet, I do not find it a fit case to grant concession of anticipatory bail to the petitioners, in view of the serious allegations against both of them.

Consequently, the present petition is dismissed.

September 30, 2022
monika

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.