

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(105)

CRM-M-38746-2022

Date of decision: - 30.08.2022

Jarnail Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. S.P. Singh, Advocate
for Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

The present second petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.113 dated 08.06.2022, registered under Sections 323, 324, 326, 341, 506 and 34 IPC, at Police Station Ajnala, District Amritsar.

Learned counsel for the petitioner has submitted that earlier anticipatory bail petition filed by the petitioner was dismissed as withdrawn on 18.08.2022 with liberty to file a fresh petition and thus, in fact, the present petition filed by the petitioner is effectually first petition for anticipatory bail. It is further submitted that in the present case, even the petitioner was injured and has submitted thus, the present case is a

case of version and cross-version. It is also submitted that wife of the petitioner had given a representation to the Senior Superintendent of Police, Amritsar, with respect to the same.

On advance notice, learned State counsel has opposed the present petition and has submitted that there is no cross version in the present case.

This Court has heard learned counsel for the parties and has gone through the paperbook.

The FIR in the present case was registered on the statement Bachitar Singh son of Gurdeep Singh to the effect that he is an agriculturist and on 22.5.2022, after doing his job of a carpenter in the town, he had reached his village and had gone to his motor to take vegetables. It is alleged that when he was coming back home after taking the vegetables, then the present petitioner and his son were standing on the way and started abusing him and the present petitioner told his son Gursharan Singh to catch hold of the complainant and teach him a lesson for taking water from the motor and the complainant saved himself somehow and when he reached near Gurudwara Sahib of the village at about 8.15 PM, the present petitioner armed with *datar* and his son Gursharan Singh armed with *dang* stopped the complainant and the present petitioner gave *datar* blow to the complainant and in order to save himself, the complainant raised his arm and the *datar* hit on the right thumb of the complainant. It is further alleged that the present petitioner again gave a *datar* blow which hit on the right leg of the complainant and even the son of the present petitioner gave a *dang* blow on the back of the

complainant and he fell down and raised alaram and then, the petitioner, along with his son, ran away from the spot along with their weapons and thereafter, brother of complainant got admitted the complainant in the Civil Hospital Ajnala where he is undergoing treatment.

A perusal of the above-said FIR would show that petitioner, along with his son, had attacked the complainant. There are specific allegations that the petitioner was armed with a *datar* and had caused two injuries to the complainant i.e., one on the right thumb and the other on the right leg. The injury which has been caused on the right thumb has been declared to be grievous so as to attract Section 326 IPC. The recovery of weapon i.e., *datar* is yet to be effected from the present petitioner. The arguments of learned counsel for the petitioner to the effect that the petitioner himself was injured and his wife had given a representation regarding the same to the Senior Superintendent of Police, Amritsar, does not *prima facie* hold good, inasmuch as, a perusal of the representation dated 10.06.2022 (Annexure P-2) given by the wife of the petitioner to the Senior Superintendent of Police, Amritsar would show that it has nowhere been stated therein that the present petitioner was also injured in the said occurrence, rather in the said representation, the fact that there is an old grudge in the mind of the complainant has been mentioned and it has been admitted that on 22.05.2022, the incident had taken place and thus, the said representation dated 10.06.2022, in fact, goes against the present petitioner. With respect to the second representation dated 13.06.2022 annexed with the petition, in response to a pointed query raised by this Court, learned counsel for the petitioner has

informed that the said representation dated 13.06.2022 was never given to any police official and even a perusal of the said representation clearly shows that the same was an after thought, more so when, in the earlier representation dated 10.06.2022, no plea regarding any injury having been caused to the petitioner had been taken. Moreover, as per the stand of the State, there is no cross-version registered by the petitioner.

Keeping in view the above-said facts and circumstances, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail and accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as a final 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.

August 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes