

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

CRM-M-39088-2022

Date of Decision: 31.8.2022

Chanan Singh

... Petitioner

Versus

State of Punjab

... Respondents

CORAM:-HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Amandeep Saini, Advocate for the petitioner

Mr.GS Sandhu, DAG, Punjab

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail to him in FIR No.70 dated 30.6.2022 under Sections 304, 427, 34 of the IPC registered at Police Station Nurpurbedi, District Rupanagar.

Learned counsel for the petitioner contends that present case has been lodged falsely against the petitioner. Learned counsel for the petitioner submits that the petitioner is neither a family member of the deceased nor he has any knowledge with regard to heart problem of the deceased. Even the police has got recorded the statement of the deceased on 28.6.2022 in the hospital whereas the FIR has been registered on 30.6.2022.

On the contrary, learned counsel for the State submits that the petitioner has been specifically named in the FIR and specific role has been attributed to him. The petitioner caused grievous injuries to the deceased which resulted into his death. The weapon of offence is yet to be recovered.

Having heard learned counsel for the parties, I am of the view that the petitioner has been specifically named in the FIR. There is

specific role attributed to him. The petitioner alongwith other co-accused inflicted injuries to the deceased with a stick. The petitioner gave fist blows on the chest of the deceased which resulted into his death. As per FIR, the petitioner was known to the deceased. Investigation is still going on and, therefore, custodial interrogation of the petitioner is necessary for finding out the modus operandi of commission of offence and for recovery of the weapon. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of mine finds support from the judgment of Hon'ble Supreme Court in **Madhya Pradesh vs. Pradeep Sharma, (2014) 2 SCC 171**.

In view of seriousness of allegations and gravity of offence, I find that this is not a fit case for grant of anticipatory bail to the petitioner. The petition is dismissed.

(ASHOK KUMAR VERMA)
JUDGE

31.8.2022
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No