

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

CRM-M-43900-2022

Date of Decision:-22.09.2022

Gurpreet Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Arora, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.23 dated 01.02.2022 registered under Sections 341, 326, 148, 149 IPC registered at Police Station Sadar Tarn Taran, District Tarn Taran.

The brief facts of the case are that the statement of Arwinder Singh @ Sajjan was recorded to the effect that he was a commission agent at the Mandi in Tarn Taran. On 14.01.2022 he and Kuldeep Singh were flying kites on the roof of their house when two unidentified persons came on a Bullet motor cycle and started making noise with their silencer and thereafter fled away. At about 8.00 pm while he and Kuldeep Singh were standing in their lane then in the meantime Tarsem Singh son of Gurcharan Singh, Angrej Singh son of Gurcharan Singh, Judge Singh son of Kewal Singh came there and raised *lalkara*. Judge Singh son of Kewal Singh gave

a *Datar* blow upon Kuldeep Singh hitting the head of Kuldeep Singh. Thereafter Gurpreet Singh (petitioner) gave a *Datar* blow which hit on the left wrist. When he (complainant) tried to save Kuldeep Singh then Judge Singh and Gurpreet Singh gave a reverse side blow of *Datar* upon him (complainant) and the other accused gave fist blows to him and Kuldeep Singh. Based on these allegations the present FIR came to be registered.

The petitioner sought the concession of anticipatory bail on an earlier occasion by way of CRM-M-16702-2022 wherein this Court passed the following order on 17.05.2022:-

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

Mr. Sandeep Singh Deol, DAG, Punjab.

Learned counsel has argued that the alleged occurrence took place on 14.01.2022, whereas FIR was lodged after a long delay on 01.02.2022. He further submits that in the alleged occurrence, petitioner's father, namely, Kewal Singh @ Kabal Singh also suffered grievous injuries and cross version of the FIR was recorded against the complainant and others through DDR No.26 dated 06.02.2022 (Annexure P-2).

Learned State counsel who is assisted by SI Lakhwinder Singh has opposed the prayer on the ground that the petitioner was armed with sharp edged weapon and caused grievous injuries to the Kuldeep Singh (injured), however, it is not disputed that father of the petitioner also suffered injuries.

Adjourned to 16.08.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2)

Cr.P.C.

Since the petitioner failed to join investigation he was again asked to join investigation in terms of the order dated 16.08.2022 which is reproduced herein below:-

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

Mr. Kirat Singh Sidhu, DAG Punjab.

On 17.05.2022 the following order was passed:-

“ Learned counsel has argued that the alleged occurrence took place on 14.01.2022, whereas FIR was lodged after a long delay on 01.02.2022. He further submits that in the alleged occurrence, petitioner's father, namely, Kewal Singh @ Kabal Singh also suffered grievous injuries and cross version of the FIR was recorded against the complainant and others through DDR No.26 dated 06.02.2022 (Annexure P-2).

Learned State counsel who is assisted by SI Lakhwinder Singh has opposed the prayer on the ground that the petitioner was armed with sharp edged weapon and caused grievous injuries to the Kuldeep Singh (injured), however, it is not disputed that father of the petitioner also suffered injuries.

Adjourned to 16.08.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

The Counsel for the State submits that the petitioner has not joined investigation.

In view of the above, petitioner is directed to join investigation on 22.08.2022 at 10.00 am sharp.

*List on **01.09.2022**.*

Interim order to continue.

The petitioner once again failed to join investigation and therefore, the anticipatory bail petition bearing CRM-M-16702-2022 stood

dismissed as withdrawn vide order dated 01.09.2022.

The petitioner has filed this second anticipatory bail petition on the ground that the petitioner was infact not well and down with fever as per the medical certificate dated 01.09.2022 (Annexure P-2).

I have heard learned Counsel for the petitioner at length.

Undoubtedly the petitioner has been attributed the injury attracting Section 326 IPC. He has caused an injury with a sharp edged weapon on the forearm of the injured Kuldeep Singh as a result of which he suffered a fracture. However, it is a case of version and cross version as was sought to be projected by the petitioner. He was admitted to interim bail with the directions to join investigation firstly vide order dated 17.05.222 and thereafter vide order dated 16.08.2022. However, he deliberately chose not to do so. The ground raised in the present petition that he was sick and therefore was unable to join investigation is clearly an afterthought. It may be relevant to mention here that he has relied on the medical certificates issued by Dr. Joginder Singh Sandhu dated 01.09.2022 and 20.08.2022. A perusal of the said certificates would reveal that the petitioner is said to have been unwell between 20.08.2022 and 23.08.2022. Had the petitioner actually been unwell the fact of his ailment would have been brought to the notice of this court on 01.09.2022 when the petitioner withdrew the application for anticipatory bail. On the other hand merely because the petitioner was suffering from fever would not be a ground not to join investigation. Quite apparently the medical certificates have been manufactured so as to create a ground to file the present second anticipatory bail petition. This conduct of the petitioner cannot be condoned, firstly on the ground that he is not only the main accused but has also refused to join

investigation on two occasions. Thereafter he has filed this bail application after placing on record what seems to be procured medical certificates.

In view of the aforementioned discussion, I find no merit in the present petition and the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

September 22, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>