

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

220

CRM-M-49127 of 2021  
Date of Decision:13.01.2022

Raj Singh @ Raju

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Ajaypal Singh, Advocate,  
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab

Mr. Kamal Narula, Advocate,  
for the complainant.

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**AMOL RATTAN SINGH, J. (ORAL)**

Case heard via video conferencing.

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By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.140, dated 17.08.2021, having been registered at Police Station Guruharshai, District Ferozepur, alleging therein the commission of offences punishable under Sections 307/458/323/427/148/149/201/325 of the IPC.

Learned counsel for the petitioner on the last date of hearing having submitted that the petitioners' brother was also injured in the matter and that the petitioner has only been roped in, with him pointing to the OPD slip (Annexure P-2) issued in respect of a person called Sajan (stated to be the petitioners' brother), this court had

directed him, vide an order passed on 24.11.2021, to place on record the opinion of the doctor after the X-ray examination conducted on the petitioners' brother.

Today, learned counsel for the petitioner submits that as a matter of fact no X-ray examination was conducted.

That being so, obviously it would seem that there were no serious injuries on the person of the petitioners' brother, though obviously that cannot be a final comment of this court in that regard, but one made only in the context of the present petition.

Learned counsel for the petitioner next points to the representations made to the SSP, Ferozepur, by the petitioner on 19.08.2021, and to the Chairman, Punjab State Commission for Scheduled Castes on 25.08.2021, by Harjinder Kaur (the wife of petitioners' brother), seeking that action be taken against Surjit Singh, Maninder Maini and Amnol Maini (with Surjit Singh being the complainant in the FIR in question).

The date of the FIR being 17.08.2021, that is obviously before the aforesaid representations made.

Learned counsel for the petitioner next submits that the petitioner having been attributed only a simple injury in the occurrence, in any case there would no reason to deny him the concession of 'anticipatory bail'.

Having considered the matter, it is seen that as per the FIR, the petitioner and many others are alleged to have attacked the complainant with iron rods, dangs, kappas etc., with one of the injuries eventually stated to be dangerous to life.

However, to determine the exact nature of the injuries, notice of motion is issued, with Mr. M.S.Nagra, AAG, Punjab, accepting notice at the asking of the court on behalf of the respondent State.

A gazetted officer is directed to file a reply to the petition by the next date of hearing, annexing therewith the MLRs in respect of all injuries received by the complainant and any other person injured

in the occurrence, as also the opinion of the doctor with regard to such injuries.

If an affidavit of a gazetted officer is not filed, the SSP concerned shall remain personally present in court.

It is made clear that at this stage, there no interim order operating in favour of the petitioner.

Adjourned to 23.12.2021.”

Pursuant thereto, a reply on behalf of the respondent State has been filed by the DSP, Guruhar Sahai, District Ferozepur, in which, other than reiterating the contents of the FIR, it is stated that the petitioner alongwith many other persons having attacked the complainant and with there being two fractures on the head of the complainant, he does not deserve to be admitted to bail.

It has also been stated that as regards the alleged injury on the brother of the petitioner, he could not produce any medical record to that effect.

As regards that part, it has already been observed in the previous orders of this court that even before this court learned counsel for the petitioner had admitted that there was actually no x-ray conducted pursuant to the petitioners' brother having been examined by a doctor, with an OPD slip (Annexure P-2) having been issued to him.

Though counsel for the petitioner submits that a similar petition filed before the learned Addl. Sessions Judge was eventually dismissed after the petitioner was admitted to interim bail only because the petitioner did not get a recovery effected, *de hors* any such recovery, looking at the allegations made against the petitioner and his co-accused, seen with what has been stated by the DSP in his affidavit after investigation carried out at this stage, I see no ground to entertain this petition, which is consequently dismissed.

Naturally, all observations made by this court are only in the context of a petition filed under the provisions of Section 438 of the Cr.P.C. and the merits of the case would be seen by the investigating agency and the trial court when the matter reaches the stage of a trial.

January 13, 2022  
dinesh

(AMOL RATTAN SINGH)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | No  |