

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

CRM-M-44734 of 2022(O&M)

Date of Decision: 02.12.2022

Sarabjit Singh

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. A.S. Khaira, Advocate
For the petitioner.**

**Ms. Kanika Sachdeva, AAG Punjab with
Mr. Rakesh Kumar, Advocate
For complainant.**

KARAMJIT SINGH, J.

Prayer in this petition is for grant of anticipatory bail in case having FIR No. 34 dated 25.07.2022, registered under Sections 323, 326 read with Section 34 IPC at Police Station Dhilwan, District Kapurthala.

The counsel for the petitioner submits that petitioner has been falsely implicated in the present case and actually the opposite party destroyed the crop and damaged the tractor belonging to the petitioner regarding which a complaint was lodged with the police, but police failed to take any action. Counsel for the petitioner further submits that only one injury that too on the left hand little finger was found to be grievous in nature which is stated to be caused by sharp weapon. Counsel for the petitioner further submits that said injury is manipulated by the complainant and even otherwise the same is on non-vital part of the body of the complainant. He further submits that there is unexplained delay in lodging of

was registered on 25.07.2022. Counsel for the petitioner further submits that petitioner is ready to join the investigation with the police.

The present petition is opposed by the State counsel as well as counsel for the complainant.

Status report by way of affidavit of Sukhninder Singh, DSP Sub Division Bolath, Kapurthala filed on behalf of the State along with copy of MLR (Annexure R-1) is taken on record.

State counsel submits that injury on the left hand little finger which is caused with sharp weapon and is declared grievous in nature is attributed to the petitioner who at the time of occurrence was armed with sword. The State counsel further submits that custodial interrogation of the petitioner is required for the proper investigation in the present case.

I have considered the submissions made by counsel for the parties.

As per FIR the alleged occurrence took place on 14.07.2022 at 5:30 p.m. and immediately thereafter the complainant was taken to Civil Hospital, Kapurthala where he was medically examined on the same date at about 8:00 p.m., as is evident from Annexure R-1 which also includes x-ray report and final opinion given by the Doctor with regard to nature of aforesaid injury which is dated 20.07.2022. At this stage nothing is available on the record to show that injury suffered by the complainant on his left hand little finger caused with sharp edged weapon which is declared grievous in nature is fabricated or manipulated.

In the FIR it is mentioned that after the occurrence, talks with regard to compromise started but did not materialize and finally FIR was lodged on 25.07.2022.

At this initial stage the petitioner cannot take benefit of the fact that there was delay in lodging of the FIR. The aforesaid injury on the left hand little finger by the petitioner is covered under Section 326 IPC and thus there are serious allegations on the record against the petitioner and the weapon used in commission of crime is to be recovered. So, custodial interrogation of the petitioner is necessary.

Consequently, the present petition is hereby dismissed being devoid of merits. However, observations, if any, made hereinabove are not to be construed as an expression of opinion on the merits of the case.

02.12.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No