

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-50308-2021 (O&M)

Date of decision : 28.1.2022

Sunny Kumar

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Deepak Arora, Advocate, for
Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. Davinderbir Singh, DAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 438 of code
of Criminal Procedure for grant of anticipatory bail to the petitioner in case
FIR No.0084 dated 12.11.2021 registered under Section 307, 324, 452, 506
IPC at Police Station Narot Jaimal Singh, District Pathankot.

Counsel for the petitioner contended that the petitioner has
been falsely named in the present case as he is having previous enmity with
complainant-Amit Singh as previously the complainant and his companion
caused injuries to Sabbi, brother of the petitioner regarding which complaint
dated 16.10.2021 (Annexure R-4/T) was lodged with the police by the
petitioner. However, the police failed to take any action against the culprits.,

PARITOSH KUMAR It is further contended that after lodging of the said complaint, the
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I attest to the accuracy of
this order

complainant started nursing grudge against the petitioner and got lodged FIR in question. Counsel for the petitioner further contended that the petitioner is ready to join investigation.

Counsel for the State, who has opposed the present petition, submitted that the petitioner is facing serious allegations to the effect that he caused head injury to the petitioner with the help of datar.

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

Alleged complaint dated 16.10.2021 lodged by the petitioner against the complainant and other persons is not supported by any medico-legal report.

The petitioner has been named in the present FIR which was registered on the basis of the statement of Amit Singh in which he stated that on 11.11.2021 at about 6:30 p.m., he was present in boutique of Rajinder Kumar and he was talking to Rajinder Kumar and his mother Kanta Devi. In the meantime, the petitioner who was carrying datar entered the said boutique and raised *lalkara* and then the petitioner gave two repeated blows of datar which hit on the right side of the head and forehead of the complainant, on which, Rajinder Kumar and Kanta Devi tried to intervene but the petitioner gave threats to them and then fled away from there., As per medical record available, the complainant was medico-legally examined on the same very day and injury on the right parietal region of his head was found to be grievous in nature which was caused with sharp edged weapon. So, in this case, serious allegations are appearing on record against the petitioner and weapon of crime is yet to be recovered.

So, I am of the view that for proper and effective investigation of the case, custodial interrogation of the petitioner is required.

Consequently, no ground is made out to grant concession of anticipatory bail to the petitioner. Accordingly, the present petition moved under Section 438 Cr.P.,C. is hereby dismissed.

January 28, 2022

Paritosh Kumar

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No