

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-48249-2022  
Date of Decision: October 18, 2022

Mandeep Singh @ Gattu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Neeraj Goel, Advocate, and  
Mr. Nitish Bhatia, Advocate,  
for the petitioner.

Mr. J.S. Arora, DAG, Punjab,  
Assisted by ASI Gurmeet Singh  
(on advance notice).

SANJAY VASHISTH, J.

1. This is second petition under Section 438 read with Section 482 Cr.P.C., with same set of facts and circumstances without any change, for grant of anticipatory bail to the petitioner - Mandeep Singh @ Gattu, who has been booked for having committed the offences punishable under Sections 307, 324, 323, 341, 506, 148, 149 and 120-B IPC (Section 307 IPC is stated to have been deleted), in a case arising out of FIR No. 18, dated 20.02.2022, registered at Police Station Urban Estate, Patiala, District Patiala.

2. Petitioner – Mandeep Singh @ Gattu had earlier approached this Court by filing first petition, i.e. CRM-M-37018-2022 (O&M), titled as “Mandeep Singh @ Gattu v. State of Punjab”, seeking anticipatory bail in the aforementioned case FIR No. 18, dated 20.02.2022, which was

disposed of vide order dated 22.08.2022 (Annexure P-7), which says as under:

*“Present:- Ms. Avneet Kaur, Advocate  
for the petitioner.*

*Mr. Jaswinder Singh Arora, DAG, Punjab.*

*SANJAY VASHISTH, J. (Oral)*

*Ms. Avneet Kaur, Advocate appears on behalf of the petitioner and filed her memorandum of appearance. She apprises the court that earlier Mr. Digvijay Nagpal, Advocate was appearing on behalf of the petitioner, who has now been appointed as Assistant Advocate General, Punjab.*

*After arguing for some time, learned counsel for the petitioner seeks withdrawal of the present petition with liberty to enable the petitioner to surrender before learned Trial Court for seeking regular bail. She further prays that in case of petitioner doing so, his bail application may be considered and decided within ten days.*

*Petition is allowed and trial court is directed to decide the application seeking regular bail of the petitioner expeditiously, in the event of the petitioner surrendering before the trial court within one week from today, preferably within two weeks from receipt of certified copy of this order.*

*22.08.2022  
Riya*

*(SANJAY VASHISTH)  
JUDGE”*

3. In regard to the reasoning for filing second petition for same relief, i.e. seeking anticipatory bail, learned counsel for the petitioner submits that the same has been explained in paragraph Nos. 10 and 11 of the present petition, which says as under:-

*“10. That after filing of the aforesaid petition, the counsel engaged by petitioner was appointed as Assistant Advocate General, Punjab, which was not known to the petitioner & surprisingly without the knowledge of petitioner one other advocate appeared on his behalf by filing a memorandum of appearance.*

*Thereupon, the said counsel withdrew the aforesaid first anticipatory bail petition without the instruction of present petitioner which is evident from the order dated 22.08.2022 passed by this Hon'ble Court vide which said counsel was permitted to withdraw the first anticipatory bail petition & a liberty was enabled to the petitioner to surrender before Ld. Trial Court for seeking regular bail & in such event the bail application may be considered and decided within ten days. True copy of the said impugned order dated 22.08.2022 is annexed herein as Annexure P-7.*

11. *That after the passing of aforesaid order, petitioner was not intimated about the same & when he got to know about the aforesaid impugned order then petitioner was shocked as no instruction was ever taken from his side. Moreover, some other counsel who has not been authorized by the petitioner appeared on his behalf & got passed the aforesaid impugned order. To this effect petitioner affidavit is annexed herein as Annexure P-8.”*

4. Although, on the basis of the grounds mentioned by the petitioner, second petition for seeking same relief is not maintainable, yet in the larger interest of justice and to settle down anxiety of the petitioner, this Court granted liberty to the learned counsel for the petitioner to address arguments again.

5. Learned counsel for the petitioner submits that on the day of elections of Vidhan Sabha in the State of Punjab, incident in the present case had occurred, in which name of petitioner has been mentioned, with role of causing *Kirpan* blow over the left arm of Vicky. However, in the CCTV footage, presence of the petitioner at the place of occurrence is nowhere there. As per case of the prosecution, this injury has been declared as grievous, forming an offence under Section 326 IPC. Learned counsel further submits that after completion of investigation, challan

under Section 173 Cr.P.C. against accused Jogeshwar Sharma @ Boni, Harvir Singh, Harman Singh, Pritpal Singh @ Preet Meera Puriya and Navi Sharma @ Ravi, under Sections 326, 325, 324, 323, 341, 506, 148, 149, 120-B and 201 IPC has been presented.

6. Learned counsel for the petitioner also submits that offence under Section 307 IPC has been deleted, however, Sections 325 and 326 IPC still exists in the present case.

7. Learned State counsel on instructions from ASI Gurmeet Singh, informs the Court that injured Vicky has suffered total three injuries, out of which two are grievous injuries. Injury with *Kirpan* blow, which has been attributed to present petitioner, is covered under the provisions of Section 326 IPC. Learned State counsel submits that petitioner does not deserve concession of anticipatory bail.

8. I have heard learned counsel for the petitioner and perused the record available before me.

9. As already observed here above, this petition for anticipatory bail, on the present set of facts, is not maintainable. Still, on factual aspects also, on re-examination of the issues, this Court finds that number of persons have collectively caused injuries, armed with sharp edged and blunt weapons. Injury which is grievous in nature has been attributed to present petitioner and which as per provisions of law is punishable for life, under Section 326 IPC, which says as under:-

*“326. Voluntarily causing grievous hurt by dangerous weapons or means.- Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or*

*any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”*

10. Therefore, considering clear role of the petitioner and being the main accused, he does not deserve discretionary concession, through such like petition, seeking anticipatory bail, as in the present case.

11. Dismissed.

(SANJAY VASHISTH)  
JUDGE

October 18, 2022

Pkapoor

Whether Speaking/Reasoned: YES/NO

Whether Reportable: YES/NO