

CRM-M-50434 of 2022 (O&M)

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

CRM-M-50434 of 2022 (O&M)
Date of decision: -12.12.2022

Paramjit Singh @ Pamma Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. R.K. Arya, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

Mr. Ravinder Pankaj, Advocate,
for the complainant.

NAMIT KUMAR, J. (ORAL)

CRM-47455 of 2022

This application has been filed by the applicant-petitioner under Section 482 Cr.P.C. for correction in the headnote and prayer clause of the petition.

Learned counsel for the applicant submits that in the headnote and prayer clause of the main petition instead of Section 323 IPC, Section 232 IPC was wrongly mentioned. Consequently, in order dated 29.11.2022 passed by this Court Section 232 IPC was mentioned. He prays that typographical mistake may be rectified and Section 232 IPC be deleted and Section 323 IPC be added in the petition.

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Notice.

Mr. Ravinder Singh, AAG, Punjab, accepts notice on behalf of the respondent-State and submits that typographical mistake on the part of the petitioner is apparent, therefore, he has no objection in correction of the same.

In view of the above and the averments made in the application, same is allowed. In the headnote and prayer clause of the petition, Section 232 IPC is ordered to be deleted and Section 323 IPC be added. Registry to make necessary correction. Consequently, in order dated 29.11.2022 of this Court also instead of Section 232 IPC, offence be read as under Section 323 IPC.

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Pursuant to order dated 29.11.2022, short reply dated 12.12.2022 by way of an affidavit of Parvesh Chopra, Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural), on behalf of the respondent-State has been filed in Court today, which is taken on record.

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0096 dated 06.08.2022 under Sections 452, 326, 323, 148, 149 IPC registered at Police Station Bhindi Saidan, District Amritsar Rural.

According to the prosecution, on 03.05.2022 when complainant Manpreet Singh son of Dalbir Singh along with his aunt was present at his house at about 12.00/12.30 PM, petitioner-Pamma son of Moti Singh armed with dattar alongwith his companion Lakha

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Singh armed with baseball bat, Gurnam Singh empty handed, Daljit Singh armed with baseball bat, Angrej Singh armed with kirpan, Sukha Singh, forcibly entered in the house of complainant and caused injuries to him. On raising hue and cry, all the accused persons along with their companion ran away from the spot with their respective weapons. Complainant was medically examined and as per MLR, injury no.1 declared simple in nature and injury no.2 was declared grievous in nature. Hence the FIR was registered.

Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. He further submits that present FIR is a counter-blast to the FIR lodged by cousin of the petitioner against the complainant party. He further submits that there is a delay of more than three months in lodging the present FIR. He also submits that petitioner is not involved in any other case. He is ready and willing to join the investigation. Learned counsel for the petitioner places reliance on the order passed by a Co-ordinate Bench of this Court in *Sukhdev Singh @ Pappu and another v. State of Punjab, 2017(1) Law Herald 831; Rajinder Kumar v. State of Punjab and another, 2016(5) R.C.R. (Criminal) 403; Tarlok Singh v. State of Punjab, 2014(16) R.C.R.(Criminal) 50* and *Ranjit Singh v. State of Punjab, 2012(25) R.C.R.(Criminal) 226*.

Per contra, learned State counsel, assisted by learned counsel for the complainant, submits that petitioner is specifically named in the FIR as he caused grievous injury to the complainant.

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Therefore, petitioner does not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties and perused the record.

There are specific allegations against the petitioner that he as a member of the unlawful assembly armed with a dater forcibly entered the house of the complainant and caused injury on the little finger of left hand of complainant-Manpreet Singh, which has been declared grievous in nature.

As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

There are specific allegations against the petitioner that he caused grievous injury on the person of the complainant. The allegations are serious in nature. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses. Recovery of a dater used by the petitioner in commission of offence is still to be made.

In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot prima facie be said to have been falsely enroped in the crime and his custodial interrogation is

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necessary in the case and that petitioner is likely to abscond and misuse his liberty and, therefore, does not deserve grant of anticipatory bail. Moreso, recovery of a dater used by the petitioner in commission of offence is still to be made.

So far as the facts and circumstances of the orders/judgments (supra) relied upon by learned counsel for the petitioner are concerned, I am of the considered view that the same are not applicable to the facts and circumstances of the present case.

Accordingly, the present petition is dismissed.

(NAMIT KUMAR)
JUDGE

12.12.2022
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No