

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.54646 of 2021 (O&M)
Date of Decision.20.01.2022
(Heard through VC)

Avinash Kumar

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. D.S. Sandhu, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. B.R. Rana, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.223 dated 28.10.2021 registered under Sections 323, 341, 148, 149, 506, 427 IPC (Section 452 IPC added later on) at Police Station Sahnewal, District Ludhiana.

Brief facts of the case, as alleged by the complainant in the FIR, are that on 24.10.2021 at about 9.45 PM, the complainant along with his son was present on his shop. Due to *karva chauth* festival, women were going to temple to pay obeisance. Avinash, petitioner herein along with others was roaming on motor cycle and teasing the women. When the complainant stopped them, they went away but returned after 5-10 minutes along with 15 other boys having swords and iron rods in their hands and attacked the complainant and his son. The petitioner herein gave a brick blow to the complainant which hit him on his head and he fell down. They also gave beatings to his son and wife as well as his tenants, who came to save him. Due to the blows given by the petitioner and others, the complainant became

unconscious.

Learned counsel appearing for the petitioner would contend that there is a delay of 4 days in lodging of the FIR and the whole version narrated by the complainant is concocted. The alleged injuries inflicted upon the complainant are not serious in nature. The petitioner is a student and no other case is pending against him. Nothing is to be recovered from the petitioner, therefore, his custodial interrogation would not be required. The petitioner is ready to join the investigation, thus, prays for anticipatory bail to him.

Learned counsel appearing on behalf of the respondent-State as well as the complainant would oppose grant of anticipatory bail to the petitioner by contending that the injuries inflicted upon the complainant are grievous in nature and the weapons from which the injuries were inflicted are yet to be recovered.

I have heard learned counsel for the parties and have also perused the paper book. As per the CT scan report of head of the complainant, he had suffered undisplaced fractures of bilateral parietal bones extending into squamous part of bilateral temporal bones. The injuries inflicted upon the complainant are grievous in nature and recovery of the weapons used by the petitioner in the incident are yet to be done as well as involvement of other persons is to be determined and therefore, his custodial interrogation would be required. No ground is made out for grant of anticipatory bail to the petitioner.

Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

January 20, 2022

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No