

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-51826-2022

Date of Decision:-19.12.2022

Malak Singh.

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Umesh Aggarwal, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.

The Prayer in this petition under Section 438 Cr.PC is for the grant of anticipatory bail in case FIR No.39 dated 31.03.2022 under Sections 307, 341, 323, 324, 326, 148, 149 IPC and Sections 25/27/54/59 of Arms Act registered at Police Station Chattiwind, Amritsar Rural, District Amritsar.

The brief facts of the case are that the present FIR came to be registered at the instance of Paramjit Singh who stated that he was an agriculturist. At about 3.30 PM in the afternoon his nephew Amritpal Singh son of Avtar Singh and Robinpreet Singh son of Nirwail Singh were going on their motor cycle towards Dubarji. He was also going on his motor cycle in the same direction. Opposite the Govt. Veterinary Hospital.

Tirath Singh son of Angrej Singh armed with rifle double barrel 12 bore,

Karaj Singh son of Angrej Singh armed with 315 bore rifle, Malak Singh son of Karaj Singh armed with *Datar* and two other unknown persons were standing and they all stopped the motor cycle of his nephew. Karaj Singh raised a *lalkara* and opened fire in the air with his 315 bore rifle. Tirath Singh fired from his 12 bore rifle with an intention to kill towards Amritpal Singh which hit his left ankle due to which his nephew fell down. While he was lying down, Malak Singh (petitioner) and the unknown persons attacked his nephew Amritpal Singh and Robinpreet Singh with *datars* which hit them on their bodies. On seeing the accused giving injuries he raised a *raul* and the accused fled away from the spot. Amritpal Singh and Robinpreet Singh were admitted to the hospital. The reason for the grudge was that his daughter (complainant's daughter) had performed a love marriage with Tirath Singh which was not acceptable to him and his family due to which Tirath Singh had a grudge against his family (complainant's family).

After the registration of the FIR the statements of Amritpal Singh and Robinpreet Singh were recorded under Section 161 Cr.PC and their bloodstained shirts were taken into possession. On the basis of their statements Harpreet Singh @ Harp and Angrej Singh were nominated as co-accused. Thereafter Tirath Singh was arrested on 16.04.2022 and got recovered one 12 bore DBL rifle belonging to his father Angrej Singh. During the course of further investigation co-accused Harpreet Singh @ Harp was found innocent and report under Section 173(2) Cr.PC was submitted against Tirath Singh and Angrej Singh.

The Counsel for the petitioner contends that the present occurrence took place on account of a family dispute between one of the co-

accused Tirath Singh and the complainant. The petitioner is said to have been armed with a *datar* and no specific injury has been attributed to him. Nothing was to be recovered from him and as such he deserves the concession of anticipatory bail.

The Counsel for the State on the other hand while referring to the reply dated 01.12.2022 submits that the petitioner and his co-accused Harpreet Singh and Angrej Singh had inflicted multiple injuries on the person of Amritpal Singh. Harpreet Singh was exonerated during the course of investigation whereas Angrej Singh was granted the concession of anticipatory bail. He is said to have been armed with a *Dang*. So far as the present petitioner is concerned, he is said to have been armed with a *datar* and grievous injuries have been attributed to him on the person of Amritpal Singh as is borne out from the Chart in para 7 of the reply dated 01.12.2022. He contends that the reply dated 14.12.2022 is on similar lines where the injuries on the person of Amritpal Singh have been properly explained in detail. He thus contends that since the petitioner is one of the main accused and the recovery of a *datar* is to be effected from him, he does not deserve the concession of anticipatory bail.

I have heard learned Counsel for the parties at length.

As per the prosecution version the petitioner and his co-accused Harpreet Singh have been attributed incised wounds on the bank of left forearm, an incised wound on bank of left hand extending from proximal phalanx of left ring finger, an incised wound placed on bank of left forearm, an incised wound placed on bank of left upper arm, an incised wound on outer aspect of left upper arm, an incised wound on tip of left shoulder and an incised wound on bank of left forearm. Harpreet Singh has been

exonerated whereas Angrej Singh who was armed with *Dang* has been granted the concession of anticipatory bail by the Sessions Court. Therefore, quite apparently, as per police investigation the petitioner is the accused who has been specifically attributed multiple grievous injuries with a sharp edged weapon as is clearly born out from the replies dated 01.12.2022 and 14.12.2022.

In view of the serious nature of the allegations against the petitioner as also the fact that the recovery of the weapon is to be effected from him, the custodial interrogation of the petitioner is certainly required and, therefore, he is not entitled to the grant of anticipatory bail.

Therefore, the present petition is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

December 19, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>