

109 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53754 of 2022(O&M)

Date of Decision: 21.11.2022

Sajjan Singh & Anr.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Rhythem Bajaj, Advocate
For the petitioners.**

Mr. C.L. Pawar, Addl. AG Punjab.

**Mr. Piyush Setia, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioners under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 2 dated 05.01.2022, registered under Sections 326, 324, 323, 148 and 149 IPC at Police Station City-I, Abohar, District Fazilka, to which Section 307 IPC was added lateron.

The counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and actually the opposite party caused injuries to co-accused Kuldeep Singh and Kirpal Singh, regarding which DDR No.37 dated 05.01.2022 (Annexure P-5) was registered. The counsel for the petitioners further submits that as per MLR of Angrej Singh (Annexure P-3) he was medically examined at about 10:25 p.m. on

03.01.2022 and the probable duration of injuries was found to be within 10-15 minutes, whereas the alleged occurrence had taken place at about 8:55 p.m. on that day and thus creating doubt in the prosecution story. The counsel for the petitioner further submits that other co-accused have been granted concession of anticipatory bail by the Sessions Court vide Annexure P-8 and Annexure P-9. The counsel for the petitioners further submits that petitioners are ready to join the investigation.

The present petition is opposed by the State counsel as well as counsel for the complainant, both of whom have submitted that both the petitioners armed with deadly weapons caused grievous injuries on the right hand of complainant Angrej Singh.

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

As per the cross version, the opposite party caused injuries not to the present petitioners but to co-accused Kuldeep Singh and Kirpal Singh. There are specific allegations against both the petitioners that they were armed with *kappas* (sharp edged weapons) and they caused grievous injuries to the complainant. The fact that the petitioners caused aforesaid injuries on the non vital part of the body of the complainant does not make much difference. So, there are serious allegations appearing on record against both the petitioners that they caused grievous injuries with sharp edged weapons and thus *prima facie* committed offence punishable under Section 326 IPC. So, no ground is made out to grant concession of anticipatory bail to the petitioners as the recovery of aforesaid weapons used by the petitioners in commission of crime is yet to be effected.

Consequently, the present petition is hereby dismissed being devoid of merits. However, any observations made hereinabove are not to be considered as expression of opinion on the merits of the case.

21.11.2022

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No