

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

CRM-M-57401- 2022

Date of Decision:08.12.2022

Ranvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Anshul Khurana, Advocate for the petitioner

Mr.JP Ratra, Sr.DAG, Punjab

...

Notice of motion.

Mr. J.P. Ratra, Sr.DAG, Punjab accepts notice of motion.

The petitioner has filed this petition seeking grant of anticipatory bail in case FIR No.120 dated 26.10.2022 under Sections 323, 324, 452, 506, 148, 149 of the IPC (Section 326 of the IPC added later on) registered at Police Station Bilga, District Jalandhar Rural, Punjab.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. Even some of the co-accused have also received injuries in the fight. A cross case vide Diary No.41 dated 21.11.2022 was registered against the complainant and other persons. The petitioner is already ready and willing to join the investigation.

On the contrary, learned counsel for the State submits that the allegations against the petitioner are serious in nature. As per MLR, complainant has suffered as many as 10 injuries. The injuries have been

caused on the vital part of the body i.e. head and one of such injury has been declared grievous in nature. Learned counsel also submits that the investigation is at initial stage and recovery is yet to be effected from the petitioner and as such his custodial interrogation is necessary.

Having heard learned counsel for the parties, *prima facie*, I am of the considered view that there are serious allegations against the petitioner and specific role has been attributed to him. The petitioner has been specifically named in the FIR. As many as ten injuries are alleged to have been caused on the complainant and that too on the vital part of the body i.e. head. One of such injury has been declared grievous in nature. Moreover, investigation is still going on and, therefore, custodial interrogation of the petitioner is necessary for finding out the modus operandi of commission of offence. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of mine finds support from the judgment of Hon'ble Supreme Court in **Madhya Pradesh Vs. Pradeep Sharma, (2014) 2 SCC 171**.

In view of the discussion made above, the present petition being devoid of any merit is dismissed. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

(ASHOK KUMAR VERMA)
JUDGE

8.12.2022
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No