

2023:PHHC:042521

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

CRM-M-9278-2023

Date of Decision: 15.03.2023

KULDEEP SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. J.S.Grewal, Advocate, for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Mr. Kuldeep Singh Saini, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

The petitioner is seeking anticipatory bail in the case bearing FIR No. 0006 dated 06.02.2023 under Sections 452, 324, 323, 148, 149 and 326 IPC registered at Police Station Morinda, District Rupnagar.

Briefly, the FIR has been registered on the allegations that in the year 2017, the complainant had borrowed a sum of Rs.2,50,000/- from the petitioner. On 05.02.2023, at about 8:00 P.M., the petitioner armed with kirpan, Bindu and Hardeep Singh armed with kirch alongwith unidentified persons came to the house of the complainant and the petitioner asked the complainant to return the money. An alarm was raised. Maninder Singh, the servant of the complainant, was attracted on the spot. The petitioner inflicted kirpan blow on the hand of Maninder Singh and his little finger was cut and two adjacent fingers were also hit with the kirpan.

Learned counsel for the petitioner contends that the present case has been registered on account of monetary dispute between the complainant and furthermore, the little finger of Maninder Singh-injured

was already cut prior to the occurrence. The injury has been manipulated to

falsely implicate the petitioner and aggravates the gravity of allegations.

Learned State counsel has opposed the bail application on the score that at the time of medico-legal examination, it was found that there was fresh bleeding and fine margins of the wound. The injury has been declared to be grievous in nature and has been caused by sharp edged weapon.

As per the MLR, following injury has been found on the person of the injured:-

“Missing little finger (distal phalanx complete, middle phalanx half) of left hand. Fresh bleeding present. Fine margins present. No evidence of missing part as stated by patient and relative. Advised antiseptic dressing, surgery opinion, ortho opinion.”

The X-ray was also conducted and it was a case of amputation of little finger of the left hand. As per the opinion of the doctor, the injury has been declared to be grievous in nature and has been caused by sharp edged weapon. The petitioner may be having some dispute with the complainant but it could not be termed to be a circumstance to inflict an injury under Section 326 IPC upon a petty employee of the complainant. There is nothing to indicate that the little finger of the injured was chopped off at any earlier instance. Moreover, as per the MLR, no visible mark of injury was found on the adjacent fingers and it cannot be termed to be a circumstance to disbelieve the version of the prosecution at this stage. The gravity of offence and severity of sentence in the event of conviction are the significant factors which are to be considered at the time of granting the bail. Moreover, anticipatory bail is to be granted in the event extraordinary circumstances are made out.

In the instant case, no extraordinary circumstances are made out which may justify extending the concession of anticipatory bail to the petitioner.

Dismissed.

15.03.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No