

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Sr. No. 254 (1)

CRM-M No. 12437 of 2023

Date of decision : 23.03.2023

Kamaljot Singh @ Kamaljit Singh @ Jota

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Vishal Sharma (Vasudeva), Advocate for the petitioner.
Mr. A.P.S. Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.0018 dated 28.01.2023 registered under Sections 323, 324, 148 and 149 IPC (Sections 325 and 326 IPC added later on) at Police Station Mahilpur, District Hoshiarpur.

Briefly stated, the case of the prosecution is that on 25.01.2023 complainant - Arsdeep Singh, along with his father Parminder Singh, had gone to Thakur Motor Garage, Saila Khurd for getting their jeep serviced; at 04:00 p.m. the petitioner, armed with a *Kirpan*, along with his co-accused, who were also armed, came there on two motorcycles and one Activa scooter; the petitioner and his co-accused then inflicted as many as 07 injuries on the complainant and that when the complainant's father came

forward to rescue him, the petitioner and his co-accused fled the spot along with their respective weapons.

Initially, the FIR was lodged underailable offences and therefore the petitioner was released on bail by the Investigating Officer. However, when the doctor's opinion came with regard to 03 injuries on the complainant being grievous, Sections 325 and 326 IPC were added. On the happening of such an event the petitioner sought anticipatory bail from the Sessions Court at Hoshiarpur, on the denial of which he has knocked the doors of this Court for the same relief.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; he has no other criminal antecedents; there is an unexplained delay of 03 days in lodging of the FIR; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged injury by the petitioner was on a non-vital part of the complainant's body; no further recovery is required to be made from the petitioner and that the petitioner is a student who is to appear in his 10+2 examinations which are still going on.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner and his co-accused, who were armed with deadly weapons, have mercilessly beaten the complainant resulting in as many as 07 injuries on his person and that the State inter-alia requires the petitioner's custodial interrogation to find out as to who all were involved in the crime as also the exact motive behind the same.

Learned counsel for the parties have been heard and with their able assistance record of the case has also been perused.

The petitioner and his co-accused are alleged to have arrived, duly armed with deadly weapons, at a motor garage, where the complainant was getting his jeep serviced and thereafter given him merciless beatings, resulting in as many as 07 injuries on his person which include 03 grievous injuries, out of which 01 grievous injury is specifically attributed to the petitioner.

In the light of the above serious allegations and because the exact role of all the accused is yet to be deciphered as also for the reason that the motive behind the pre-concerted assault by the petitioner and his co-accused is also to be ascertained, this Court is of the opinion that the petitioner's custodial interrogation would be necessary.

The petition is dismissed.

However, in the peculiar circumstances of this case where the petitioner is to appear in his 10+2 final examinations, 03 of which are scheduled for 27.03.2023, 28.03.2023 and 19.04.2023, it is directed that the State shall make arrangements to take the petitioner in custody so that he can appear in the afore examinations.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

23.03.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No