

102 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12675-2023 (O&M)

Date of Decision: 15.03.2023

DALVIR SINGH @ BALA

..... PETITIONER

VS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Seciton 438 in FIR No. 116 dated 22.09.2022 under Sections 324, 323, 341, 506, 148, 149 IPC (Section 326 IPC added later on) registered at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand. He submits that the petitioner was not even present at the spot when the occurrence in question took place, which would be ascertained from his mobile location.

While drawing the attention of this Court to the allegations leveled in the FIR, which has been annexed as Annexure P-1, learned counsel argued that even otherwise, no injury much less than inviting the mischief of an offence under Section 326 had been attributed to the petitioner. He submits that the petitioner has clean antecedents and is ready

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and willing to join investigation. Hence, he be extended the extraordinary concession of anticipatory bail.

I have heard the parties and perused the relevant material on record.

A perusal of the FIR in question *prima facie* reveals that it was a pre-mediated attack carried out by all the accused including the petitioner, who had been named in FIR. As per the allegation leveled in the FIR, the petitioner alongwith the co-accused attacked the complainant. The petitioner was allegedly armed with a plastic rope. After attacking the complainant, all the accused including the petitioner pushed him to the ground. Thereafter, accused Gurtar Singh poured some poisonous medicine into his mouth. While Gurtar Singh was forcibly pouring medicine in the mouth of the complainant, the petitioner along with co-accused Jaswant Singh put the plastic rope around his neck while the other accused inflicted gandas blows upon various parts of the body of the complainant including his head.

The MLR, which has been annexed as Annexure P-3, *prima facie* corroborates the allegations leveled in the FIR in question; injury No.7 is reddish bruise on the anterior region of neck, which appears to have been received by the complainant on account of the nylon rope, put around the neck of the complainant. Further, the forcible administration of poisonous medicine to the complainant finds corroboration from the medico legal report, wherein attending Doctor gave the following opinion qua the general condition of the complainant:-

"a pungent smell present while gastric lavage done, pupils bilateral reactive"

Though, the petitioner, has not been attributed specific injury inviting the mischief of an offence under Section 326, however, it stands reflected in the FIR in question, that he was an active participant in the occurrence in question. He along with co-accused incapacitated the complainant and thereafter, all the accused inflicted various injuries on his person including forcibly administering poisonous substance to him.

This Court, in view of the above, does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

Dismissed.

Nothing contained herein above shall be construed to be an expression of an opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

15.03.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>