

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14280 of 2023(O&M)
Date of Decision: 21.03.2023

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Himmat Singh Sidhu, Advocate
For the petitioner.

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

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 13 dated 13.02.2023, registered under Sections 308, 323 read with Section 34 IPC at Police Station Sangat, District Bathinda.

Notice of motion.

Mr. C.L. Panwar, Addl. A.G. accepts notice on behalf of the State of Punjab.

The counsel appearing on behalf of the petitioner while praying for grant of interim bail submits that both the parties are closely related and there was dispute between them regarding two *Shisham* trees. The counsel for the petitioner further contends that no doubt as per the opposite party, at the time of the occurrence petitioner caused injury on the head of Hardeep

Singh with axe, but at the same time there is also a cross-version, as per which the opposite party caused injuries to the petitioner and his father and Nachhatar Singh also tried to outrage the modesty of mother of the petitioner. The counsel for the petitioner further submits that at this initial stage it is difficult to ascertain as to who was the aggressor party and that the petitioner is ready to join the investigation.

The State counsel while resisting the present petition submits that no doubt there is a version and cross version involved in the present case but as per the main case the injury caused by petitioner on the head of Hardeep Singh with axe is found to be dangerous to life while the injury which is alleged to be sustained by the petitioner at the hands of opposite party is simple in nature caused with blunt weapon. The State counsel further submits that the recovery of the weapon used by the petitioner is yet to be effected and the custody of the petitioner is required by the police for proper investigation of the case.

I have considered the submissions made by both the counsel.

At this stage the petitioner cannot take advantage of the fact that there is also cross-version, the reason being as per said cross-version only simple injury is caused with blunt weapon to the petitioner by the opposite party. However, as per main version the petitioner who was armed with axe gave its blow on the head of Hardeep Singh and as per the State counsel the said injury is declared as dangerous to life. Further, the axe used by the petitioner in commission of crime is to be recovered. So, this Court is of the view that custodial interrogation of the petitioner is necessary for proper and effective investigation of the case.

In light of the above, the present petition is hereby dismissed being devoid of merits. However, any observations made hereinabove are not construed to be expression of opinion with regard to merits of the case.

21.03.2023
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No