

2023:PHHC:042527

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 102

CRM-M-14541-2023
Date of decision : 22.03.2023

Balwinder Kumar @ Bali

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Jaideep Verma, Advocate, for the petitioner.
 Mr.Arun Luthra, DAG, Punjab.
 Mr.Saurav Bhatia, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.0084 dated 18.10.2022 registered under Sections 323, 324, 34 IPC (Section 307 IPC added later on) at Police Station City Balachaur, District SBS Nagar.

Briefly stated, the case of the prosecution is that on 17.10.2022, at about 6:30 a.m., Ashwani Kumar, Jasbir Kumar, Ranjit Kaur and Jasbir Kumar's son-Prince went to open their shop “Prince Hardware Store”; when they were in the midst of taking out the goods from the shop for displaying them, the petitioner alongwith his co-accused, one of whom owns the neighbourhood shop “Pamma Hardware Store” initially started a quarrel and thereafter they all inflicted several injuries on Jasbir Kumar, Ranjit Kaur and Prince which includes an injury by the petitioner on Prince's head with a phoda (used to clear cow dung) which injury has been medically opined to be dangerous to life.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only on account of business rivalry between the petitioner's side and the complainant's side; the petitioner does not have any other criminal antecedents; it was the complainant's side who were the aggressors

and the injuries on the petitioner are proof of the same; the petitioner's side had also filed a complaint with the police but to no avail; co-accused namely Pawan Kumar @ Pamma and Jasbir Lal @ Beri have been granted anticipatory bail by the trial court and that the petitioner is also ready and willing to join and cooperate with the investigation.

Learned State counsel as also learned counsel for the complainant oppose grant of anticipatory bail to the petitioner on the ground that the petitioner is the one who inflicted the injury with a phora on the head of Prince which injury has been declared dangerous to life and that if released on bail, he is likely to influence the course of the investigation. Moreover, the weapon i.e. phoda which is allegedly used while inflicting injury on Prince is yet to be recovered.

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

The petitioner is the main accused. It is he who has been attributed the injury on the head of Prince resulting in two fractures of his skull. Such injury has also been medically opined to be dangerous to life. The weapon allegedly used by the petitioner to cause the injury on Prince’s head is yet to be recovered. Prince is still undergoing treatment at PGIMER, Chandigarh and that investigation in the case is still going on.

In the light of the above, the petitioner's custodial interrogation is considered necessary.

Dismissed.

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

22.03.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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