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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No. 21275 of 2023
Date of Decision: 24.05.2023**

Hemraj Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. H.S. Dhindsa, Advocate for petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.38, dated 12.03.2023 under Sections 323, 324, 148, 149, 506 and 326 (added lateron) IPC registered at Police Station Focal Point, Ludhiana.

2. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He further submitted that even as per the FIR the petitioner is alleged to be standing there with a sword but no overt act has been attributed to him. He contended that the injuries allegedly sustained by the complainant are on non vital part of the body and there is a delay of three days in registration of FIR which created doubt regarding genuineness of the case. He submitted that the petitioner is a factory worker having no criminal background and as

such prayed for grant of anticipatory bail.

3. On the other hand learned State counsel has assailed these arguments and referred to the status report dated 11.05.2023 filed by the Assistant Commissioner of Police, Industrial Area-A, Ludhiana and argued that the petitioner armed with sword formed unlawful assembly with other co-accused armed with deadly weapons and has caused multiple injuries to the complainant as well as his friends, namely Mahesh Gupta and Shubham Verma. He submitted that the custodial interrogation of the petitioner is required and as such prayed for dismissal of the petition.

4. After considering the rival contentions and going through the record, it transpires that as per the prosecution case, on 09.03.2023, complainant Deepak Chaudhary reached Cricket Ground, Dhandari Khurd on receiving phone call from his friend Mahesh Gupta that some person has snatched money from him and also slapped him and then the complainant along with Mahesh Gupta and Shubham Verma went to the said person and asked him to return the money but that person called 8/10 persons armed with weapons, i.e Sword and bats etc including one Gobind Birla armed with Iron Daat, Charanjit @ Channa and Hemraj both armed with Sword caused multiple injuries to the complainant as well as Mahesh Gupta and Shubham Verma. Injured were shifted to the hospital.

5. It is evident from record that the complainant Deepak Chaudhary sustained as many as 9 injuries on his person, out of which the injuries on his hand were declared as grivevous, caused with sharp edged weapon. Injured Mahesh Gupta received 4 injuries including injury on his forearm with sharp edged weapon, whereas Subham Verma received 9 injuries in the

occurrence. No doubt, no specific injury has been attributed to the present petitioner but the fact remains that he while being armed with Sword formed unlawful assembly with other co-accused also armed with Sword, Iron Daat and bats and had caused injuries on the person of the complainant as well as Mahesh Gupta and Subham Verma.

6. The petitioner has been specifically named in the FIR being part of unlawful assembly while being armed with Sword, therefore, considering the serious nature and gravity of the offences, custodial interrogation of the petitioner is required.

7. Resultantly, no case is made out for grant of anticipatory bail in favour of the petitioner and as a consequent the petition is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(SANJIV BERRY)
JUDGE

24.05.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No