

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-25290 of 2023(O&M)
Date of Decision: 18.05.2023

Mohit Kumar @ Prince

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. D.S. Gandhi, Advocate
For the petitioner.

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

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 24 dated 03.03.2023, registered under Sections 326, 323, 324, 341, 148 and 149 IPC at Police Station Division-D, Amritsar.

2. The allegations in brief are that at the time of occurrence petitioner Mohit Kumar caused injuries on head of Harish Kumar with *datar* while his father Vijay Kumar hit iron weight on person of Harish Kumar and Arun Gill gave iron rod blows to said Harish Kumar.

3. The counsel for the petitioner, *inter alia*, contends that petitioner has been falsely implicated in the present case at the instance of opposite party. That actually the opposite party attacked his father Vijay Kumar and Harish caused injuries on head of Vijay Kumar with the help of *datar*. The counsel for the petitioner further submits that with regard to said occurrence, DDR having GD No. 24 dated 23.03.2023 was registered

against complainant Harish Kumar and others on the basis of statement of Sheela who is grand mother of petitioner. The counsel for the petitioner further submits that the case involves version as well as cross version and aggressor party will be ascertained during the trial. The counsel for the petitioner further submits that co-accused Arun Gill and Vijay Kumar are already granted interim bail by this Court and copies of the concerned orders are taken on record. The counsel for the petitioner further submits that the petitioner is ready to join the investigation with the police.

4. Notice of motion.

5. Mr. C.L. Pawar, Addl. AG Punjab accepts notice on behalf of the State and submits that the injury attributed to the petitioner on head of Harish Kumar with sharp weapon is found to be grievous in nature. The State counsel further submits that there are specific allegations against the petitioner and he is required by the police for proper investigation of the case, even if there is version as well as cross version. However, the State counsel has not disputed the fact that co-accused are already granted interim bail by this Court.

6. I have considered the submissions made by counsel for the parties.

7. Admittedly, the present case involves version as well as cross version. The counsel for the petitioner admitted that in cross version case father of the petitioner sustained injuries but no injury was suffered by the petitioner. Injuries attributed to co-accused Arun Gill and Vijay Kumar are not covered under Section 326 IPC. There are specific allegations against the petitioner that he caused injury on the head of Harish Kumar with sharp

edged weapon and as per State counsel the said injury is declared as grievous in nature. The weapon used by the petitioner in commission of crime is yet to be recovered. So, this Court is of the view that custodial interrogation of petitioner is necessary for proper and effective investigation of this case.

8. In light of above, the present petition is hereby dismissed, without expressing any opinion on the merits of the case.

18.05.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No