

CRM-M-31539-2023

-1-

(102) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31539-2023

Date of Decision: 04.07.2023

VISHAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.33 dated 08.04.2023 registered under Sections 323, 324, 506, 148, 149 IPC, 1860 (Section 326 IPC, 1860 added later on) at Police Station Kathu Nangal, District Amritsar Rural.

2. The present FIR came to be registered at the instance of Gurbhej Singh son of Hardev Singh who stated that on 04.04.2023 his younger brother Bachittar Singh had gone to the shop of Kewal Singh son of Chanan Singh to purchase groceries. Kewal Singh had abused him on which his brother had also abused Kewal Singh. An altercation took place between Vishal Singh (petitioner) and his brother after which his brother left the place. Then, Vishal Singh (petitioner), Kewal Singh and Chanan Singh pushed his brother and threw him on the road after giving beatings to him.

CRM-M-31539-2023

-2-

His brother came back crying to the house. Thereafter, he (complainant) along with his mother Sukhwinder Kaur and father Hardev Singh went to the shop of Kewal Singh to ask him the reasons for given beatings to Bachittar Singh. At that time Dilbag Singh raised a *Lalkara* to teach a lesson. Then Vishal Singh (petitioner) gave a *dattar* blow which struck his wrist. Then Kewal Singh caught hold of him and threw him on the ground. His father tried to rescue him. However, Harpreet Singh caught hold of his father. Then Akashdeep Singh son of Dilbagh gave a *dattar* blow on the left hand ring finger and a second blow of the *dattar* was given by Akashdeep Singh on his father on the ring finger of his left hand. Chanan Singh gave a blow of a Sota on his father on the left side of his shoulder. On the intervention of his mother Sukhwinder Kaur, Priya daughter of Kewal Singh gave fist blows to Sukhwinder Kaur and Sukhwinder Kaur wife of Dilbagh Singh also gave fist blows to his mother. Thereafter, Chanan Singh gave a Dang blow to his mother on her head. On raising an alarm, all the assailants ran away from the spot and he along with his family members were admitted in hospital.

3. The learned counsel for the petitioner contends that though the injury attributed to the petitioner on the person of the complainant is one attracting Section 326 IPC, however, it is on a non-vital part of the body and self-infliction cannot be ruled out. In fact, the presence of the petitioner at the spot is highly doubtful. It was yet to be established who was the aggressor party and as the petitioner had no prior criminal record and was ready and willing to join investigation, he was entitled to the concession of anticipatory bail.

CRM-M-31539-2023

-3-

4. On the other hand, the learned State counsel contends that the petitioner is the main accused. In fact, a perusal of the FIR would reveal that it was the petitioner who had initiated the altercation in the first place. Subsequently, it was, he who has caused the injury attracting Section 326 IPC. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of anticipatory bail, moreso, when the recovery of the weapon of offence was to be effected from him.

5. I have heard the learned counsel for the parties.

6. A perusal of the FIR would reveal that even at the initial stage, it was the petitioner who had entered into an altercation with the complainant. Thereafter, the petitioner along with Kewal Singh and Chanan Singh had pushed Bachittar Singh brother of the complainant and had thrown him on the ground after giving beatings to him. When the complainant party went to the shop of Kewal Singh, at that time, it was the petitioner who had inflicted the injury attracting Section 326 IPC, whereas the other accused had inflicted various other injuries. Therefore, apparently, the petitioner is the main accused and as such is not entitled to the concession of anticipatory bail.

7. In view of the above, I find no merit in the present petition. Therefore, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

04.07.2023

JITESH

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