

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

CRM-M-31930-2023

Date of Decision:-25.09.2023

Karan Singh @ Jaskaran Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Yajur Sharma, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 438 Cr.PC is for the grant of anticipatory bail in case FIR No.71 dated 11.05.2023 under Sections 326, 323, 506 IPC read with Section 34 IPC registered at Police Station Gharinda, District Amritsar Rural.

2. The present FIR came to be registered on the complaint of Sahib Singh who stated that on 22.11.2022 while he was present at his house and his wife had gone to drop their daughter to school, then their neighbour Karan Singh (petitioner) son of Sukhdev Singh armed with a *datar*, Sukhdev Singh son of Roor Singh armed with an Iron rod, Gursewak Singh son of Sukhdev Singh armed with a stick along with Sunita Kumari wife of Karan Singh who was empty handed came outside his house and started abusing. On being stopped from doing so Sunita Kumari raised a *lalkara*. In the meanwhile Karan Singh attacked him with a *datar* on his head whereas Gursewak Singh attacked him with a wooden stick which struck his nose.

Then Sukhdev Singh attacked him with an Iron rod over his back. On receiving injuries he fell down and people started gathering there. In the meantime all the accused fled away from the spot. He was taken to the hospital. The motive behind the occurrence was that he (complainant) used to stop Karan Singh and others from selling alcohol in the village which was not to the liking of the accused party. Legal action was sought.

3. The Counsel for the petitioner contends that the instant FIR was got registered after a delay of approximately 06 months. The alleged occurrence took place on 02.11.2022 but the present FIR came to be registered only on 25.11.2022. This delay was fatal to the prosecution case. The injury attributed to the petitioner was allegedly grievous in nature but the same had been manipulated and caused with a friendly hand just to falsely implicated the petitioner. The medical evidence was contrary to the ocular account. As the petitioner had joined the investigation and had cooperated with the same, he was entitled to the concession of anticipatory bail.

4. The Counsel for the State on the other hand contends that the petitioner is the main accused who had caused injuries with a sharp edged weapon on the head of the complainant which has been found to be grievous in nature. There was no delay in the registration of the FIR. In fact, initially there was an attempt to get the matter compromised between the parties, but in vain. It was only thereafter that the FIR came to be registered. In fact the medico legal examination of the injured took place on the day of the occurrence itself. Further though the petitioner had joined the investigation he had not got recovered the weapon of offence. As the petitioner was the main accused and had not cooperated in the investigation, he was not entitled to the concession of anticipatory bail.

5. I have heard learned Counsel for the parties.
6. Admittedly, as per the MLR of the complainant, the occurrence had taken place on 22.11.2022. The FIR clearly disclosed the reasons for the delay in filing of the same. The petitioner is the main accused having caused a grievous injury with a *datar* (sharp edged weapon) on the head of the injured. When the case had come up for hearing on 06.07.2023, it had been contended that the co-accused with similar allegations had already been granted the concession of interim bail. This was a completely fallacious statement as the co-accused were granted interim bail as they had been attributed a *lalkara* and simple injury respectively, only and it had been clearly observed that the petitioner had been attributed a *datar* blow on the head of the complainant which injury attracted Section 326 IPC. Further, despite the fact that the petitioner was asked to join investigation he did not cooperate with the same in as much as the petitioner did not get recovered the weapon of offence.
7. In view of the fact that the petitioner is the main accused and has refused to cooperate with the investigation no ground for the grant of anticipatory bail is made out and the present petition dismissed.
8. However, the observations made hereinabove are only for the purposes of deciding this anticipatory bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

(JASJIT SINGH BEDI)
JUDGE

September 25, 2023
Vinay

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