

CRM-M-38032-2023

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

CRM-M-38032-2023

Date of decision: 04.08.2023

Dalbir Masih @ Mithu

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Kapila, Advocate and
Ms. Himani Kapila, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.20 dated 07.03.2023, registered at Police Station Qila Lal Singh, District Gurdapur, under Sections 302, 452, 148 and 149 IPC (Section 452 IPC has been deleted and Section 450 IPC has been added later on).

2. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that the alleged occurrence took place on 04.03.2023 whereas the above-noted FIR was registered on 07.03.2023 i.e. after a delay of 03 days. It is further submitted that as per the initial version of the complainant, the petitioner had given kick blow to the deceased whereas in the supplementary statement, he stated that the petitioner had given baton blow on the head of the deceased, which shows that the complainant has improved his version in order to implicate the petitioner. It is further submitted that as per the post-mortem report of the

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deceased, probable time between injury and death has been given as 24 hours, whereas the alleged occurrence took place two days prior to conducting of the post-mortem examination.

3. I have heard the learned counsel for the petitioner.

4. As per the prosecution version, there was only one injury on the person of deceased-Amrik Singh. As per the post-mortem report, Amrik Singh had died of the said injury and the same was sufficient to cause death in the ordinary course of nature. The said injury has been specifically attributed to the petitioner. So far as the contentions of the learned counsel for the petitioner with regard to the improvement in the version of the complainant, is concerned, the same cannot be appreciated at the time of considering the petition for anticipatory bail.

5. Keeping in view the nature and gravity of the offence, this Court find that the petitioner is required for custodial interrogation to take the investigation to its logical conclusion.

6. Therefore, finding no merit in the present petition, the same is dismissed.

04.08.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No