

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

CRM-M No.40405 of 2023

Date of decision: 18th August, 2023

Sarbjeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sultan S. Gill, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.46 dated 11.06.2023 under Sections 323, 324, 506, 148, 149 IPC (Sections 326, 307 IPC added later on) registered at Police Station Ramdas, District Amritsar Rural.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for allegedly inflicting injuries on the head and right ear of injured Major Singh on 10.06.2023. He submits that the injuries attributed to the petitioner were simple in nature and it was a matter of record that all the injured had been discharged from the hospital. It has been further submitted that though the occurrence in question took place on 10.06.2023, however, the FIR in question was lodged after an unexplained delay of one day, which was indicative of an embroidered

version having been put forth against the petitioner. Learned counsel submits that though custodial interrogation of the petitioner is not required, however, he was still willing to join investigation and cooperate with the investigating agency.

3. Notice of motion.

4. On the asking of Court, Mr. Subhash Godara, Addl. Advocate General, Punjab who is present in Court, accepts notice on behalf of the respondent/State.

5. Learned State counsel, on instructions, has opposed the prayer and submissions made by the counsel opposite. He has submitted that the petitioner was part of an unlawful assembly and had come to the spot along with other accused armed with lethal weapons, like datar, iron rods and spades etc. He further submits that all the accused inflicted injuries on the person of Major Singh and complainant Chamkaur Singh. Learned State counsel has submitted that no doubt co-accused Tejinderpal Singh alias Rana and Balwinder Singh had been extended the concession of anticipatory bail, however, the petitioner could not seek parity with those accused as no role much less any injury had been attributed to them. Learned State counsel, has prayed for dismissal of the instant petition in the wake of the allegations levelled against the petitioner, as his custodial interrogation would be required by the investigating agency.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. A perusal of the FIR in question prima facie reveals that the petitioner along with co-accused came to the place of occurrence, armed with lethal weapons. No doubt, the petitioner has not been attributed any grievous injury on the person of both the injured, however, he was allegedly armed with Sword with which he inflicted blows on the head of injured Major Singh as well as beneath his right ear, which is a vital part of the body. Furthermore, the ocular testimony prima facie finds due corroboration with the medical evidence.

8. In the circumstances, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner in the instant case. The petition stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 18, 2023
rps

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