

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-43226-2023 (O&M)

Date of decision: 06.09.2023

Gurdeep Singh @ Deepa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashok Giri, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.11 dated 18.02.2023 under Sections 323/324/307/341/148/149 of the IPC (Sections 302/325 of the IPC added lateron) registered at Police Station Nurmahal, District Jalandhar Rural.

2. Learned counsel for the petitioner inter alia contends that the petitioner's innocence and false implication in the case in hand is evident from that the complainant initially named 09 persons while lodging the FIR in question and lateron improved upon his version and implicated some other persons as well.

3. Learned counsel while drawing the attention of this Court to the allegations levelled in the FIR which has been reproduced in the body of the petition, has further submitted that though the petitioner was named therein, however, totally vague allegations had been levelled against him much less any specific injury on the person of the deceased which could have been the cause of his death. Learned

counsel has further submitted that the petitioner was allegedly armed with a bat at the time of alleged occurrence, with which he along with co-accused inflicted injuries on the person of the deceased and injured Sushil Kumar, who tried to come to the rescue of the deceased, however, there was no medical corroboration to the allegations levelled in the FIR, as the post mortem of the deceased as well as the medico legal report of injured Sushil Kumar was to the contrary.

4. I have heard learned counsel and perused the relevant material on record.

5. A perusal of the allegations levelled in the FIR prima facie reflect the active participation of the petitioner in the crime in question. The petitioner along with the co-accused had descended at the place of alleged occurrence on the fateful day, armed with lethal weapons and attacked the deceased as well as injured Sushil Kumar who tried to save the deceased. In view of the nature of the allegations levelled in the FIR in question, it prima facie comes across as a premediated attack by the accused party in which one person lost his life and another person sustained injuries. This Court, therefore, is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

6. Accordingly, the instant petition is hereby dismissed.

7. 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.

06.09.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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