

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-44826 of 2023(O&M)
Date of Decision: 03.10.2023

Arshdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Gurbir Singh Sidhu, Advocate
For the petitioner.

Mr. Vinay Kumar Gupta, AAG Punjab.

KARAMJIT SINGH, J.

1. This is second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 116 dated 06.06.2022, registered under Sections 324, 323, 148 and 149 IPC at Police Station Sadar Dhuri, District Sangrur, to which offence under Sections 307 and 201 IPC were added lateron, the first being dismissed as withdrawn vide order dated 17.04.2023.

2. The brief facts of the case are that on 05.06.2022 at about 9:30 p.m. petitioner armed with *gandasa*, Jaspreet Singh @ Lala armed with sword, Robinpreet Singh armed with baseball bat, Davinder Singh armed with wooden stick, Abdul Khan armed with iron rod, Jaspreet Singh armed with wooden stick, Harmandeep Singh armed with sword and Gursharan Deep Singh armed with wooden stick attacked complainant Sandeep Singh and his brother Gurdeep Singh with their respective weapons and petitioner gave *gandasa* blow on the leg of Gurdeep Singh.

3. The counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. It is further submitted that similarly situated co-accused Abdul Khan is already granted concession of anticipatory bail by Co-ordinate Bench of this Court vide order dated 26.08.2022 and the copy of said order is taken on record.

4. On the other hand, the State counsel while resisting the present petition, on instructions from SI Gulab Singh, submits that the injury caused by the petitioner with sharp edged weapon is found to be grievous in nature and as such the petitioner is not entitled to get benefit of anticipatory bail.

5. I have considered the submissions made by counsel for the parties.

6. The petitioner has been named in the FIR and as per allegations appearing on record the petitioner caused injury with sharp edged weapon on leg of Gurdeep Singh. As per State counsel the said injury was found to be grievous in nature. The petitioner cannot claim parity with co-accused Abdul Khan who was armed with iron rod (blunt weapon). Furthermore, the recovery of weapon used in commission of crime is to be effected from the petitioner. So, this Court is of the view that custodial interrogation of the petitioner is necessary for proper and effective investigation of the case.

7. In the light of above, the present petition is dismissed. However, nothing observed hereinabove shall be considered as expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

03.10.2023
Jiten

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