

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CRM-M-45872-2023

Date of decision: 14.09.2023

Desa Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gopal Singh Nahel, Advocate for the petitioner.

Mr. Mayank Vashishth, Advocate and
Ms. Saloni Sharma, Advocate for the complainant.

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.137 dated 12.07.2023 under Sections 307, 323, 34 of the IPC, registered at Police Station Lehra, District Sangrur.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, inter alia contends that a totally false and fabricated case has been foisted upon the petitioner of having inflicted an injury on the person of one of the injured with a gandas. He submits that the said injury was not even opined to be dangerous to life. It has been further submitted that since there was only a single blow given it would not invite the mischief of Section 307 of the IPC.

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

4. A perusal of the FIR which has been annexed as Annexure P-1 reveals that on the fateful day, the petitioner along with co-accused

came to the spot armed with lethal weapons. It also needs to be pointed out that as per allegations levelled there was a verbal altercation between the parties just prior to the occurrence in question as the accused party had allegedly felt offended as the complainant party refused from not using a particular road by asserting that since it was a Government road, they had every right to use it. It was, thereafter, all the three persons came to the spot armed with lethal weapons and without any provocation, inflicted injuries not only on injured Resham Singh but also on the complainant. It is a matter of record that both the injured received a number of injuries on their person including head which rendered them unconscious. They were then removed to the Civil Hospital, Sunam and one of the injured Resham Singh referred to Rajindra Hospital, Patiala. It also needs to be pointed out that it is not the case that only a single blow was given by the accused including the petitioner but as many as three blows were given. Prima facie it does come across to be a premediated attack coupled with the fact that there are serious and specific allegations levelled against the petitioner of having inflicted injuries on the person of the injured. This Court is, therefore, not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

5. Accordingly, the instant petition is hereby dismissed.
6. 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.

14.09.2023

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)

JUDGE