

102 (03)

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

**CRM-M-45635-2023 (O&M)
Date of decision : 09.10.2023**

Lovepreet

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Piyush Sharma, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Kulwinder Singh, Advocate,
for Mr. Rakesh Kumar, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.20 dated 21.02.2023, registered under Section 307 & 34 (Sections 323 & 324 added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Cantt. Ferozepur.

2. Allegations are that on 20.02.2023 at about 11.00 A.M. petitioner along with other co-accused, armed with sharp-edged weapons, attacked the complainant (Kamlesh Rani) and caused her multiple injuries. For brevity, contents of the FIR are reproduced as

below:-

“I INSP/SHO along with other policemen have arrived back at police station after verifying the video of Baaj Wala Chowk Ferozepur Cantt vide DDR No. 54 and it has been verified that a lady namely Kamlesh Rani wife of Bhola Singh resident of Village Bajidpur has been caused injuries with kirpan with an intention to kill by 4 persons, who came on two motorcycles one splendor and one bullet on 20/02/2023 at about 11:30 AM. Regarding which a ruqa bearing No. 259 dated 20/02/2023 pertaining to Kamlesh Rani wife of Bhola Singh resident of Bajidpur Police Station Kulgari has been received at Police Station regarding referring her to Guru Gobind Singh Medical College, Faridkot. Therefore, ASI Baljit Singh 1564/FZR was sent to Guru Gobind Singh Medical College, Faridkot to record the statement of the injured but the injured was not fit to give statement regarding which a DDR No. 48 entered on arriving back at Police Station. Now, I have checked my mobile phone and found one video wherein the injured Kamlesh Rani gave statement in Civil Hospital, Ferozepur that Saroj, Bhatti Shammi, Ajay and one unidentified person have caused her injuries. On verification, it has been found that Ajay and Saroj are residents of village Bajidpur and Shammi Bhatti Singh resident of Nava Purba Police Station Kulgari. The identity of the unknown person is not yet established. As the above said accused persons have caused injuries mercilessly with an intention to kill. Therefore, offence under section 307/34 IPC is found to be made out. Resultantly the above said FIR is registered against Saroj, Ajay residents of Village Bajidpur, Shammi Bhatti resident of Nava Purba Police Station Kulgari and one unidentified person for the above said offences and a copy of the FIR along with related documents is handed over to ASI Baljit Singh 1564/FZR for investigation. Special reports have been prepared and being sent

through SC Karamjit Singh 1397/FZR to present it before Duty Magistrate and Senior Officers. PCR is being informed through wireless.

3. Learned counsel contends that petitioner is not named in the FIR, nor the complainant named him in her statement dated 21.02.2023. Further contends that no role has been ascribed to the petitioner; nor he is alleged to have been armed with any weapon.
4. Learned State counsel, while opposing the prayer, submitted that petitioner along with other co-accused attacked the complainant and caused multiple injuries to her. As per the MLR dated 20.02.2023, she suffered 13 injuries and on account of which, two fingers of her right hand were chopped off.
5. Learned counsel for the complainant also submits that the petitioner along with other co-accused assaulted the complainant and caused grievous injuries; hence does not deserve the concession of pre-arrest bail.
6. Heard learned counsel for the parties and perused the paper-book.
7. As per the MLR dated 20.02.2023, complainant, who is a woman, suffered as many as 13 injuries and for reference, the same read as under:-

“Sr. No.	<i>Injuries</i>	<i>Marked</i>	<i>Injury Number</i>
<i>1</i>	<i>LACERATE WOUND MEASURING 4CM X 1.5CM PRESENT OVER BACK OF LEFT FOREARM, 3.5CM ABOVE LEFT WRIST JOINT. UNDERLYING SOFT TISSUE VISIBLE, FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>	<i>Yes</i>	<i>8</i>
<i>2</i>	<i>INCISED WOUND MEASURING 5CM X 0.2CM PRESENT HORIZONTALLY OVER LEFT</i>	<i>Yes</i>	<i>1</i>

	<i>SIDE OF HEAD, 7CM ABOVE TOP OF LEFT EAR. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>		
3	<i>INCISED WOUND MEASURING 5.2CM X 0.2CM PRESENT HORIZONTALLY OVER LEFT SIDE OF HEAD, 4 CM BEHIND INJURY NUMBER 1 AND 2 CM MEDIAL TO INJURY NUMBER 2. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>	Yes	3
4	<i>INCISED WOUND MEASURING 5.2 CM X 0.2CM PRESENT HORIZONTALLY OVER LEFT SIDE OF HEAD, 3.5CM BEHIND INJURY NUMBER 2. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>	Yes	4
5	<i>INCISED WOUND MEASURING 3CM X 0.2CM PRESENT OVER LEFT EAR PINNA, STARTING FROM TOP OF LEFT EAR. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>	Yes	5
6	<i>CRUSHED LACERATED WOUND MEASURING 9CM X 7CM PRESENT OVER BACK OF LEFT HAND, 3CM BELOW LEFT WRIST JOINT. UNDERLYING SOFT TISSUE, MUSCLES AND TENDON VISIBLE AND ARE CRUSHED. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>	Yes	7
7	<i>INCISED WOUND MEASURING 16CM X 9CM PRESENT OVER RIGHT HAND, STARTING FROM BASE OF RIGHT LITTLE FINGER OVER FRONT OF HAND TO BACK OF THE HAND 4CM BELOW RIGHT WRIST. UNDERLYING SOFT TISSUE,MUSCLES AND TENDON VISIBLE AND ARE CUT. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>	Yes	10
8	<i>INCISED WOUND MEASURING 2.6CM X 0.3CM PRESENT OVER FRONT OF RIGHT HAND, OVER RIGHT LITTLE FINGER, 2CM ABOVE TIP OF RIGHT LITTLE FINGER. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>	Yes	11
9	<i>INCISED WOUND MEASURING 5.5CM X 1CM PRESENT OVER FRONT OF LEFT SIDE OF UPPER ABDOMEN, 6CM LATERAL TO MIDLINE AND 30CM ABOVE LEFT ANTERIOR SUPERIOR</i>	Yes	9

	<i>ILIAC SPINE. UNDERLYING SOFT TISSUE VISIBLE. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT. CORRESPONDING TEAR ON CLOTHES PRESENT.</i>		
<i>10</i>	<i>INCISED WOUND MEASURING 5.3CM X 0.2CM PRESENT HORIZONTALLY OVER LEFT SIDE OF HEAD, 5CM BEHIND INJURY NUMBER 1. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT</i>	<i>Yes</i>	<i>2</i>
<i>11</i>	<i>INCISED WOUND MEASURING 8CM X 4CM PRESENT OVER BACK OF LEFT ARM, 6CM ABOVE LEFT ELBOW JOINT. UNDERLYING SOFT TISSUE VISIBLE. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>	<i>Yes</i>	<i>6</i>
<i>12</i>	<i>AMPUTATED RIGHT RING FINGER FROM 2.5CM BELOW BASE OF THE FINGER. UNDERLYING SOFT TISSUE, MUSCLE, TENDON AND BONE VISIBLE AND CUT. INFILTRATION OF BLOOD PRESENT AT FRACTURE ENDS. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.</i>	<i>Yes</i>	<i>12</i>
<i>13</i>	<i>AMPUTATED RIGHT MIDDLE FINGER FROM 2CM BELOW BASE OF THE FINGER. UNDERLYING SOFT TISSUE, MUSCLE, TENDON AND BONE VISIBLE AND CUT. INFILTRATION OF BLOOD PRESENT AT FRACTURE ENDS. FRESH BLEEDING ALONG WITH CLOTTED BLOOD PRESENT.”</i>	<i>Yes</i>	<i>13</i>

8. Perusal of the above extract reveals that complainant was assaulted mercilessly as the injury Nos.1, 2, 3, 4, 5, 6, 9, 10, 11, 12 & 13 are stated to have been caused with sharp-edged weapon(s).

9. Keeping in view the gravity of offence, this Court does not find any ground to accept the prayer of petitioner. Moreover, the assertion raised by learned counsel for the petitioner that he was not

named by the complainant in her statement dated 21.02.2023 would be a matter of investigation by the Police.

10. In such a scenario, this Court is of the opinion that to find out the truth, custodial interrogation of the petitioner would be the only way out.

11. As a result thereof, there is no option except to dismiss the petition.

12. Ordered accordingly.

13. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.

14. Pending application(s), if any, shall also stand disposed off.

09.10.2023
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking / reasoned :</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable :</i>	<i>Yes</i>	<i>No</i>