

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

CRM-M-46541-2023

Date of decision: 15.09.2023

Nishan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Gurmeet Kaur, 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.70 dated 22.08.2023 under Sections 458, 307, 364, 323, 324, 342, 506, 148, 149 of the IPC (Section 326 of the IPC added lateron), registered at Police Station Nurmahal, District Jalandhar.

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 the left arm of the injured Gurjit Singh with the intention to kill him. It has been submitted that the injuries attributed to the petitioner are simple in nature and it is also a matter of record the grievous injury sustained by injured Gurjit Singh had been attributed to co-accused Satnam Singh and not the petitioner. It has also been submitted that it is essentially an inter se family dispute and the parties have now settled their differences.

3. Notice of motion.

4. On asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel has vehemently opposed the submissions made by the counsel opposite by submitting that a perusal of the FIR which has been annexed as Annexure P-1 reveals that there are serious allegations levelled against the petitioner and the other co-accused who entered the house of the complainant in the middle of the night. All the accused including the petitioner were armed with lethal weapons and after trespassing the house of the complainant inflicted multiple injuries not only to him but also to his mother Rashpal Kaur and Paramjit Kaur. Learned State counsel has also submitted that the allegations levelled in the FIR in question are supported by medico legal reports of the injured. It has been submitted that in view of the allegations levelled against the petitioner and the nature of injuries inflicted upon the injured, the petitioner be denied the concession of anticipatory bail as his custodial interrogation would be necessitated.

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

7. A perusal of the allegations levelled in the FIR in question, prima facie, reveals that it was a premediated attack carried out by all the accused. The petitioner was armed with a datar with which he inflicted an injury on the head of Paramjit Kaur, besides this, he also inflicted injuries on her arm. After the occurrence in question, the injured were dragged out of their house by all the accused and bundled into a vehicle. In view of the serious allegations levelled against the

CRM-M-46541-2023

petitioner, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

8. Accordingly, the instant petition is hereby 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.

15.09.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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