

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

**CRM-M-48091 of 2023
DATE OF DECISION :- 22.09.2023**

Sharanjit Singh @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Shivdeep, Advocate
for Mr. Sandeep Majithia, Advocate for the petitioner.

PANKAJ JAIN, J. (Oral)

The prayer in the present petition is for pre-arrest bail in FIR No. 55 dated 21.6.2023 registered for the offence punishable under Sections 452,324,326,506,148,149 of the Indian Penal Code at Police Station Verowal, District Tarn Taran.

2. The contents of the FIR are as under :-

“Statement of Sandeep Singh son of Nirmal Singh resident of Vairawal Baviya age about 28 years M. 97815- 81815 stated that I am a resident of the said address and working as a mason (Raj-Mistri) and I am married with Rupinder Kaur daughter of Dalbir Singh resident of Nagoke in the year 2015. We have 2 children, the elder girl is Varndeeep Kaur, is about 7 years old, and the younger girl, Darpandeeep Kaur, is about 3 years old. My wife often used to say me that you have illicit relations with the same woman who used to fight with me. I started to stay away from home to avoid fights. On dated 18.6.2023, my wife called me and said that you are marrying with some girl, come back home right now, I came home along with my relatives Chanchal Singh son of Inder Singh resident of Mundapind and Pragat Singh son of Sohan Singh resident of Chohla Sahib to dispel suspicion of my

wife. I was trying to explain to my wife then meanwhile that Shranjeet Singh alias sunny son of Tarsem Singh armed with Sword, Akashdeep Singh son of Baljit Singh armed with Sword, Navdeep Kaur wife of Karamjit Singh armed with Sickle, Gurpreet Singh son of Sukhdev Singh armed with Sword, Hussan alias Guchhi son of unknown armed with Baseball-bat all resident of Vairawal Baviya, Ravinder Singh alias Raja son of unknown armed with Kirch Resident of Hothia, 2 unknown persons who had baseball-bat in their hands, at around 12:30 PM entered in my house". I was talking with my relatives while sitting in the drawing room of the house, then meanwhile above mentioned Sharanjit Singh alias Sunny started abusing me. And when I resist the abuse, then my wife Rajinder Kaur raised Lalkara and said that today teach him a lesson for marring another woman. Then above mentioned Sharanjit Singh alias Sunny hit me directly on my head with his sword, which hit me in the middle of my head, and I fell down, When I was lying on the ground above mentioned Akashdeep Singh given second blow with his sword. I raised my both hands to protect myself which hit me on the wrist of my left arm. Then, third blow was given by, Above mentioned Gurpreet Singh with his sword while I was lying on the ground, again I raised my hands to protect myself then the blow hit me on Paw and Thumb of left arm, then forth blow was given by Navdeep Kaur with her Sickle by bending her waist down on my feets which hit me in the middle of the fingers of left feet. Above mentioned Hussan and Ravinder Singh alias Raja they dragged me, when I was fell down on the ground. Then I raised my voice by saying Mar Ditta Mar Ditta then on seeing the people from the neighbour gathered, all the assailants with their weapon and by taking my wife Rupinder Kaur ran away from the spot on a car and a motorcycle, by threatening to kill me. The cause anguish is that, my wife Rupinder Kaur having an illicit relationship with Sharanjit Singh alias Sunny, who was falsely accusing me to hide their illicit relationship. My Uncle (Fuffad), Balkar Singh son of Gurnam Singh alias Gammi resident of Vaipui, came present at the spot who by arranging vehicle, took me in Govt. Hospital

Miyawind when I was injured, where seeing my critical condition, the doctor referred me to Tarn Taran Govt. Government Hospital, where I am under treatment. The statement is written, heard and same is correct.”

3. I have heard counsel for the parties and have gone through records of the case.

4. As per settled law petitioner is required to make out a case for invoking jurisdiction under Section 438 Cr.P.C. In **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, Apex Court has held that :-

“..That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail....”

5. Likewise while reiterating the law laid down in **Gurbaksh Singh Sibbia's case (supra)** Apex Court in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1** held that :-

“(4) Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it.”

6. As per settled law (in C.B.I vs. Anil Sharma, 1997(7) SCC 187) there is a qualitative difference between custodial interrogation and questioning a person insulated by pre-arrest bail. Investigation at this nascent stage cannot be belayed.

7. The nature and the seriousness of the allegations levelled against the petitioner and his conduct are the relevant factors for the adjudication of the present petition.

8. The attribution to the petitioner is of having hit the victim on head with Sword. The said allegation attributed against the petitioner prima- facie seems to have been corroborated by the report of radiologist to the effect that injury on the head of complainant led to depressed fracture in high parietal region.

9. In view of the aforesaid circumstances, this does not appear to be a fit case to grant extra ordinary relief of anticipatory bail to the petitioner in view of role attributed to him which prima facie seems to have been corroborated by medical evidence. Consequently, the same is dismissed.

(PANKAJ JAIN)
JUDGE

22.09.2023
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No