

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**Sr. No.204****Case No. : CRM-M-50413-2022****Date of Decision : February 28, 2023**

Gurpreet Singh @ Guri Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Rhythem Bajaj, Advocate
for the petitioner.

Mr. Jaiteshwar Singh Bhandari, AAG, Punjab.

Mr. Sumeetpal Singh Sidhu, Advocate
for the complainant.

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GURBIR SINGH, J. :

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a case bearing FIR No.281 dated 13.10.2022, under Sections 452, 323, 148, 149 IPC, 1860 (Section 325 IPC added later on vide order passed by this Court on 20.02.2023), registered at Police Station City-I, Abohar, District Fazilka.

Learned counsel for the petitioner has submitted that as per the MLR of the complainant (Annexure P-2), there are four injuries and all are with blunt weapon.

As per the version of the prosecution in the FIR, the petitioner was armed with *kappa*. Injuries no.1 and 2 are attributed to the petitioner

with *kappa* – sharp edged weapon, but there is no injury detailed in the

MLR to have been caused with sharp edged weapon. One injury attributed to the petitioner is on the wrist of the right hand but no such injury is there in the MLR. No injury, as attributed to the petitioner, is there on the back of the complainant but only pain at the back is mentioned.

Learned State counsel and learned counsel appearing for the complainant have opposed the bail petition, while placing on record the Report on behalf of State of Punjab by way of affidavit of Avneet Kaur Sidhu, PPS, Senior Superintendent of Police, District Fazilka, in compliance to the order dated 21.02.2023.

A bare perusal of the above Report reveals that in view of circular dated 15.09.2022 (Annexure R-1), issued by the office of the Director General of Police, Punjab, Chandigarh, the petitioner was joined in investigation as the petitioner himself appeared along with order, whereby the arrest of the petitioner was stayed. So, there was no impropriety on the part of the Investigating Officer.

Explanation given in the aforesaid Report is accepted.

Learned counsel for the complainant has submitted that the occurrence was recorded in the CCTV. The pen-drive relating to the occurrence is already placed on the case file, in which the petitioner is seen carrying a *kappa* in his hand and giving injuries. In these circumstances, he has prayed for dismissal of the petition in hand.

Heard.

I have seen the pen-drive regarding the occurrence in question.

The petitioner is seen carrying a *kappa*. Part of the occurrence is inside the house and part of the occurrence is outside the house. The extract of the

statement of the complainant, on the basis of which FIR was registered, is mentioned in the reply filed in this Court on 08.02.2023, which is as under :-

“.....the petitioner/accused Gurpreet Singh along with 3-4 unidentified persons was roaming outside the street of his house time and again. When family members of complainant forbade the petitioner from doing so, he got agitated and started abusing the family members of complainant. Fearing for their life, the Complainant alongwith his family members came back in their house, but the petitioner alongwith 3/4 unidentified persons forcibly entered in the house of complainant. The petitioner was armed with kappa and he gave blow of kappa on the right wrist of complainant. The petitioner gave another blow of kappa on the right side of back of complainant. In the meantime, unidentified person gave blow of kappa on his left eye brow. Thereafter, the complainant fell down and the unidentified person gave blow of locking-tail on the lower lip of the complainant. Thereafter, another unidentified person gave him fist blows. The complainant and his other family members gathered there. Thereupon, all the said accused fled away from the spot alongwith their respective weapons.”

During investigation, the complainant made a disclosure statement. He named other three accused. On receipt of X-ray report, injury no.1 was declared as grievous and Section 325 IPC was added. In the

injuries are with blunt weapon. Medical evidence does not correspond the ocular version. It is debatable whether injuries found on the person of the complainant were caused with the sharp edged weapon.

Without discussing the merits of the case, the present petition is allowed and in the event of arrest of the petitioner, he shall be admitted to bail by the Arresting Officer/Investigating Officer on furnishing of bail bonds/surety bonds by him to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

February 28, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.