

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-53790-2023

Date of decision: 06.11.2023

Pritam Singh alias Paritam Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

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.0031 dated 31.05.2023 under Sections 323, 324, 325, 326, 148 of the Indian Penal Code, 1860, registered at Police Station Bhindi Saidan, Amritsar Rural.

2. Learned counsel for the petitioner inter alia contends that petitioner is innocent and has been falsely implicated in the case in hand for having inflicted a danda blow on the head of the injured complainant. It has been further submitted that it is a case of version and cross-version wherein both the sides received injuries at the hands of each other. Learned counsel has still further submitted that the delay of 08 months in the lodging of the FIR further lends credence to an embroidered version having been brought forth by the complainant against the petitioner. It has still further been submitted that similarly situated co-accused Gurdeep Singh and Harpal Singh have since been extended the concession of interim bail and since the petitioner is

similarly situated, he also deserves to be extended the same relief.

3. On being put to notice on the last date of hearing, learned State counsel, on instructions, has vehemently opposed the prayer made by the counsel opposite. Learned State counsel, on instructions, has submitted that the petitioner cannot claim parity with that of co-accused Gurdeep Singh and Harpal Singh, who have been extended the concession of interim bail. It has been submitted that while the two accused who had been extended the concession of interim bail, had been attributed only simple injuries, however, the petitioner was armed with a datar and not a stick as had been urged; he had inflicted a datar blow on the head of the complainant, which was opined to be grievous in nature. Learned State counsel has further submitted that soon after the occurrence in question, the injured was removed to the hospital on the same day and medico legally examined. On account of the injuries received at the hands of the petitioner, the injured remained unfit to give any statement. It was only once he was declared fit to make a statements, he gave out the details of the occurrence in question wherein he categorically stated that the petitioner was not only part of the unlawful assembly which had attacked him but had also inflicted the injury on his head. Learned State counsel has submitted that since the petitioner is the main accused, he does not deserve the concession of anticipatory bail as his custodial interrogation would be required.

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

5. Prima facie the petitioner comes across as being the prime accused in the case in hand as injury attributed to him is on a vital part

of the body of the injured complainant i.e. his head. This Court, in view of the role and nature of injury attributed to the petitioner, does not deem it fit to extend the extraordinary concession of anticipatory bail to him.

6. Accordingly, the instant petition is hereby dismissed.

7. 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.

06.11.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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