

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

CRM-M No.53860 of 2023

Date of decision: 20th October, 2023

Kulwinder Singh @ Ginda Driver

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gobind S. Randhawa, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.016 dated 20.02.2023 under Sections 349-B(2), 34 IPC registered at Police Station Sadar Batala, District Gurdaspur.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the present case on account of the previous enmity between the parties. It has been submitted that a relative of the complainant namely Joginder Singh Bawa had previously registered one false criminal case against the petitioner for offences under Sections 452, 323, 34 IPC and that was one of the main reasons why the FIR in question had been registered against the petitioner leveling false allegations. Learned counsel submits that nothing is required to be recovered from the petitioner, however, he is still willing to join investigation and cooperate with the investigating agency, as his custodial interrogation would not be necessitated in the facts and circumstances of the case.

3. I have heard learned counsel and perused the relevant material on record.

4. As per the allegations levelled, the petitioner along with the co-accused, attacked the complainant while she was riding her two wheeler along with her 13 year old son. The accused inflicted two continuous blows on the left shoulder and right arm of the complainant, while she was riding the two wheeler, as a result of which she fell down on the ground. Even after she fell down on the ground, the accused persons snatched her purse and continued inflicting injuries on her person. Prima facie, there are serious allegations against the petitioner of having not only indulged in snatching, but also having inflicted blows with a lethal weapon like a Datar. This Court can also not lose sight of the fact that proclamation under Section 82 of the Cr.P.C. has already been issued against the petitioner.

5. In the facts and circumstances, keeping in view the allegations levelled coupled with the fact that the petitioner as not disputed by the learned counsel for the petitioner as well, that he is involved in another criminal case, does not deserve the extraordinary concession of anticipatory bail. The petition, thus, stands dismissed.

6. 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.

(MANJARI NEHRU KAUL)
JUDGE

October 20, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No