

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56479-2023
Decided on : 08.11.2023

Harpal Singh @ Bhala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Simranjit Singh, Advocate
for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.160 dated 16.12.2022 under Sections 341, 323, 324, 379, 148 and 149 IPC (Section 307 IPC added later on) registered at Police Station Dhariwal District Gurdaspur.

2. Learned counsel for the petitioner *inter alia* contends that there is a delay of two days in lodging of the FIR in question as the alleged occurrence took place on 14.12.2022 in the evening at about 5.30 pm, however, the matter was reported only on 16.12.2022 at about 8.00 pm. Furthermore, it has been stated that the petitioner has been attributed only simple injuries on the person of the complainant. Learned counsel has further contended that the petitioner having been falsely implicated in the case in hand is also evident from the fact that there was no CCTV footage available showing his presence at the place of occurrence. Additionally, though the

petitioner was named as an accused in the FIR along with his brother, however, during investigation, allegations against his brother were found to be false, as a result of which, his name was dropped by the investigating agency. Learned counsel has also asserted that since co-accused Gurmukh Singh and Baljeet Singh, who too had been attributed injuries in the occurrence in question, have been granted bail by the Court below, the petitioner also deserves the similar relief.

3. Heard learned counsel and perused the relevant material on record.

4. A perusal of the allegations levelled in the FIR in question reveals that on 14.12.2022, the petitioner along with the co-accused came to the place of occurrence on their motorcycles armed with lethal weapons. The petitioner has not only been named in the FIR in question but his role has been clearly spelt out by the complainant; the petitioner was armed with an iron rod with which he inflicted a grievous injury on the left knee of the complainant. The occurrence in question *prima facie* comes across as a premeditated one as the petitioner and his accomplices came to the spot armed with lethal weapons, blocked the way of the complainant and thereafter inflicted multiple grievous injuries on his person including grievous injury on head of the injured.

5. The prayer for being extended the concession of bail to the petitioner since co-accused Gurmukh Singh and Baljit Singh have also been granted similar relief cannot be accepted as it has not been disputed that both

the co-accused have not been extended the concession of anticipatory bail but regular bail. Therefore, in the wake of the role attributed to the petitioner in the FIR in question, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition 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.

08.11.2023
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(MANJARI NEHRU KAUL)
JUDGE

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