

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

103

2023:PHHC:143489

CRM-M-56555-2023

Date of decision: November 9th, 2023

Gurpreet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973, seeking the concession of anticipatory bail in case FIR No.74 dated 03.06.2022 registered under Sections 326/324/148/149 of the IPC registered at Police Station Dayalpura, District Bathinda.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner on the allegations that he along with co-accused, attacked the complainant with swords, as a result of which he sustained multiple injuries on his person.

3. On a pointed query put to the learned counsel as to what was the material change in circumstances after the withdrawal of the previous petition under Section 438 Cr.P.C., which was withdrawn on 19.09.2023, he submits that a compromise had been effected between the parties on 30.09.2023 (Annexure P-4).

4. I have heard learned counsel for the petitioner and perused not only the allegations levelled in the FIR in question but also the compromise, which has been annexed as Annexure P-4.

5. As per the allegations levelled in the FIR, petitioner-Gurpreet Singh along with about eight accused, who were all armed with lethal weapons including swords, launched an unprovoked attack on the injured; the injured was inflicted multiple grievous injuries on various parts of his body. During the occurrence in question, the fingers of the complainant were also severed. It also needs to be noticed here that as per allegations levelled in the FIR, the assailants, who had earlier also been involved in another criminal case, committed the crime in question while they had been enlarged on bail by the Court.

6. In the facts and circumstances as enumerated hereinabove, in particular to the role and allegations attributed to the petitioner, he does not deserve the extraordinary concession of anticipatory bail. The compromise effected between the parties would not come to his rescue in the light of the allegations levelled against the petitioner and the injuries sustained by the injured.

7. The instant petition, therefore, stands dismissed.

8. 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.

November 9th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No