

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M-57511-2023

Date of Decision: 20.12.2023

Chamkaur Singh @ Chamak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

VIKAS SURI, J. (Oral)

1. This is a petition filed under Section 438 Cr.P.C. by the petitioner Chamkaur Singh @ Chamak seeking anticipatory bail in case FIR No.69 dated 17.08.2023, under Sections 324, 341, 148 and 149 IPC (Section 326 IPC was added later on), registered at Police Station Nandgarh, District Bathinda.

2. As per the prosecution version, the above captioned FIR was registered on the statement of Sukhdev Ram to the effect that on 16.08.2023, while returning from his University/College situated at Ghudda, on his motorcycle, when he reached near T-Point of Village Ghudda, at about 2.30 pm, Sandeep Singh, Jassa Singh Dhillon, Bhana Singh, Jiwan Singh, Chamak Singh (petitioner), Ashu Singh, Harry Singh, Jagjit Singh, Shonky Singh, Jagsir Singh armed with swords, *gandasas* and *soties*, were standing

there, where they waylaid him and Jassa Singh Dhillon, Jiwan Singh and Chamak Singh with their respective weapons/*kirpans*, gave blows on his head. In order to save himself, he raised his left arm and the blow fell upon his left arm, thereafter he fell on the ground and then Harry Singh gave a *gandasa* blow which hit below the knee joint of left leg. While he was lying on the ground, Bhana Singh gave a *gandasa* blow upon his left foot. Thereafter, all the accused persons ran away from the spot along with their respective weapons.

3. Status report by way of affidavit dated 18.12.2023 has been filed by learned State counsel in Court today, which is taken on record. A copy thereof has been furnished to learned counsel for the petitioner.

4. Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that no specific injury has been attributed to the petitioner; the FIR in question has been lodged after an unexplained delay of one day and there is no motive cited to inflict injury upon the complainant; the petitioner is not involved in any other criminal case and has clean antecedents as such; and no recovery is to be effected from the petitioner. Learned counsel for the petitioner further submitted that the petitioner is ready to join investigation and cooperate with the investigating agency.

5. Per contra, learned State counsel has opposed the present petition for grant of pre-arrest bail to the petitioner on the ground that the petitioner has been named in the FIR and specific role has been attributed to

him that he was armed with sword (*kirpan*) and gave blows on the head and left arm of the complainant. Referring to the status report, learned State counsel has submitted that two injuries have been attributed to the petitioner along with co-accused Jassa Singh and Jiwan Singh, which are alleged to have been inflicted with sword and have been declared grievous in nature. Injury No.3 is incised wound 7 cm x 3 cm cutting the underlying bone, tendons, muscles, nerves and vessels present on left arm posterior just above the elbow. Injury No.4 is two incised wound measuring 3 cm x 1 cm and 4 cm x 1 cm present on left forearm posteriorly in middle one third. It is further submitted that recovery of weapons are yet to be effected and therefore, custodial interrogation of the petitioner is required.

6. Heard learned counsel for the parties and have gone through the records of the case.

7. Keeping in view the fact that the petitioner has been named in the FIR and specific role attributed to the petitioner, where he has given sword blows on the left arm of the complainant and the injuries attributed to him have been declared grievous in nature, as also recovery of weapons is yet to be effected from him and his other companions, this Court does not deem it to be a fit case for grant of concession of anticipatory bail to the petitioner. In the considered opinion of this Court, custodial interrogation of the petitioner is very much essential to recover the weapons and unearth the truth. Moreover, no ground is made out to *prima facie* disbelieve the allegations made against the petitioner, at this stage. In the present case, as

material information is yet to be elicited from the petitioner and if he is granted the concession of anticipatory bail, it will certainly hamper the investigation. The allegations levelled against the petitioner are serious in nature and, therefore, he is not entitled for grant of anticipatory bail at this stage.

8. In the light of the above discussion, having found it not to be a fit case to grant indulgence in the facts and circumstances peculiar to the present matter, the instant petition is dismissed.

9. It is made clear that anything observed hereinabove is only for decision of the present petition and the same shall not influence the investigation in any manner.

December 20, 2023
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(VIKAS SURI)
JUDGE

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