

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

CRM-M-59606-2023

Date of decision: 28.11.2023

Kamalpreet Singh @ Kamal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raman Singla, Advocate for the petitioner.

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.11 dated 04.03.2023 under Sections 307, 326, 341, 324, 323, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Sherpur, District Sangrur.

2. Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been arraigned as an accused only on the basis of a disclosure statement allegedly suffered by co-accused Sukhdev Singh @ Sonu. While drawing the attention of this Court to the FIR, he further submits that the petitioner was not named in the FIR in question nor was he attributed any injury on any injured at the time of the alleged occurrence. He submits that the petitioner is willing to join investigation and cooperate with the investigating agency.

3. Notice of motion.

4. On asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab accepts notice on behalf of the respondent-State.

5. Learned State counsel, on instructions from ASI Darshan Singh, has vehemently opposed the prayer made by counsel opposite for extending the concession of anticipatory bail to the petitioner. She has drawn the attention of this Court to the FIR and submitted that it was a premediated attack carried out by all the accused including the petitioner who were all armed with lethal weapons; it has been submitted that no doubt the petitioner had not been named in the FIR in question, however, the complainant had categorically named three co-accused and had alleged that there were some unknown persons accompanying them who were on 3-4 motorcycles. Learned State counsel has further submitted that in the disclosure statement of the co-accused, the names of the unknown persons including the petitioner and their participation in the occurrence in question came to the fore. It has been contended that the accused inflicted as many as 18 injuries on the person of the injured which were grievous in nature and also opined to be dangerous to life by the doctor which found due corroboration with the ocular testimony. She further submits that in the facts and circumstances, custodial interrogation of the petitioner would be required.

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

7. Prima facie it does come across that the occurrence in question was a premediated attack carried out by the accused including the petitioner, who came armed with lethal weapons to the spot, when the complainant along with his brother were out for a walk. On coming to the spot, without any provocation, all the accused starting assaulting

the injured on various parts of his person including his head. The contention of the learned counsel for the petitioner that the petitioner was not named would not hold any water at this stage moreso when the complainant had categorically stated in the FIR that during the occurrence there were some more persons whose names he did not know, were accompanying the three named assailants. Accused Sukhdev Singh @ Sonu on being arrested and interrogated, named the petitioner as being one of the assailants who too had actively participated in the crime in question. In the circumstances, this Court concurs with the prayer made by learned State counsel that the custodial interrogation of the petitioner would be necessitated.

8. Accordingly, the instant petition stands dismissed.

9. 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.

28.11.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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