

S. No.203

2023:PHHC:165052

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

CRM-M-62059 of 2023

Date of Decision:21.12.2023

Gurmukh Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG,
Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of an affidavit of Shri Gurinder Pal Singh, PPS, Deputy Superintendent of Police, Sub Division Attari, Amritsar (Rural) has been filed on behalf of the respondent- State.

By way of present petition filed under Section 438 Cr.P.C., petitioner has prayed for grant of anticipatory bail in case FIR No.106 dated 07.07.2023 registered under Sections 326, 325, 323, 148, 149 IPC at Police Station Kamboj, District Amritsar Rural.

As per prosecution allegations, on 11.06.2023, at about 07:30 AM, Harjinder Singh, complainant of the case was going towards the house of his brother Kuldeep Singh. As he reached near the house of petitioner – Gurmukh Singh, said petitioner armed with kirpan, co-accused Sukhbir Singh armed with a datar, Akashdeep Singh armed with dang, Sarabjit Kaur empty and Harpal Singh armed with datar along with 4-5 unidentified persons armed with dangs and sotas were found standing there. Sarabjit Kaur raised lalkara to teach him a lesson for demanding his money back. Petitioner then attacked upon him and gave injury

with kirpan on the backside of the head of the complainant Harjinder Singh. Other co-accused caused various other injuries. Petitioner also caused another injury on the thumb of right foot of the complainant. On hue and cry raised by the complainant, his son Shamsher and brother Kuldeep Singh reached there and the assailants fled away. Injured Harjinder Singh was taken to Guru Nanak Hospital, Amritsar for treatment. FIR was not immediately lodged as respectable persons of the village and relatives tried to effect the compromise. Later on, FIR was lodged on 07.07.2023 on the basis of statement made by Harjinder Singh. During investigation, medico legal report of injured Harjinder Singh was collected, which revealed as many as 14 injuries on his person out of which four injuries were found to be grievous in nature and rest simple. Injury No.1 found to be grievous, had been caused by sharp edged weapon and this injury is attributed to the petitioner.

It is contended by learned counsel that petitioner has been falsely implicated; that there is a delay of 26 days in lodging the FIR; that before lodging the FIR on 07.07.2023, son of the present petitioner, namely, Sukhpreet Singh attacked at the house of complainant and caused injuries to his son as is evident from MLR Annexure P.2. Learned counsel further contends that petitioner is ready to join the investigation and so, he be allowed anticipatory bail.

Learned State Counsel has strongly opposed the bail petition by pointing out the number of injuries were caused on the person of complainant – Harjinder and that one of the grievous injury caused by sharp edged weapon on the head of the complainant is directly attributed to the petitioner.

Having considered submissions of both the sides, this Court finds the present case to be unfit for grant of anticipatory bail, having regard to the fact that

petitioner is attributed to have caused injury with kirpan on the head of the complainant Harjinder, which injury has been found to be grievous in nature, attracting Section 326 IPC. As such, without commenting anything on the merits of the case, the present petition is dismissed.

December 21, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No