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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-510-2024
Date of decision: 15.01.2024

Nishan Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Satpreet Grewal, Kapila, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. This petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.90 dated 05.10.2023 registered under Sections 323, 324, 506, 34, 120-B, IPC (Sections 325, 326 IPC added later on), at Police Station Fatehgarh Churian, District Patiala.
2. Notice of motion.
3. Mr. G.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondent-State and filed status report by way of affidavit of Sarvanjit Singh, Deputy Superintendent of Police, Sub Division, Fatehgarh Churian, Police District Batala on behalf of State. Mr. Nitin Narula, Advocate has put in appearance on behalf of the complainant.
4. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. There is also cross version having GD No.32 dated 12.10.2023 as per which the opposite party caused

injuries to present petitioner and his brother Gurmej Singh and caused injuries to both of them and one of the said injuries caused on the person of Gurmej Singh was later on found to be grievous in nature. It is further contended that the case involves version as well as cross version and the aggressor party will be ascertained at the time of trial. It is further submitted that the petitioner is ready to join the investigation. So prayer is made that the petitioner be granted anticipatory bail.

5. The present petition is resisted by the State counsel as well as the counsel for the complainant both of whom have submitted that at the time of occurrence, the petitioner was armed with *gandasi* and he gave its blow on the head of Gurwant Singh and the said injury was found to be grievous in nature. It is further submitted that the petitioner also caused injury on the little finger of left hand of complainant Balbir Singh. It is further submitted that the petitioner is required by the police for proper investigation of the case. However, the State counsel has not disputed the fact that there is a cross version registered vide GD No.32 dated 12.10.2023 as per which opposite party caused injuries to the petitioner and his brother.

6. I have considered the submissions made by the counsel for the parties.

7. At present, when the investigation is at its initial stage, the registration of GD No.32 which was registered on 12.10.2023 against the other party for causing injuries to petitioner and his brother Gurmej Singh is not of much significance.

7. As per FIR No.90 dated 05.10.2023, the petitioner attacked Gurwant Singh with *gandasi* and caused grievous injury on his head and the

said injury is covered under Section 326 IPC. The petitioner caused another injury on the left little finger of complainant Balbir Singh with the help of *gandasi*. So, there are specific allegations against the petitioner that he caused injury covered under Section 326 IPC in the present case. The recovery of weapon used by the petitioner in commission of crime is yet to be effected. So the custodial interrogation of the petitioner is necessary for proper and effective investigation of the case.

8. In light of the above, the present petition is hereby dismissed being devoid of merits. However, any observations made herein above are not to be construed as expression of opinion on the merits of the case.

15.01.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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