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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M No.935 of 2024

Date of Decision:-01.02.2024

BHINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Tanvir Joshi, Advocate,  
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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SANJIV BERRY, J (ORAL)

Learned State counsel has filed reply by way of affidavit dated 31.01.2024 of Deputy Superintendent of Police, Sub-Division, Bhucho, District Bathinda, the same is taken on record. Copy thereof has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

| FIR No. | Dated      | Sections                         | Police Station             |
|---------|------------|----------------------------------|----------------------------|
| 174     | 13.10.2023 | 326, 341, 324, 323, 148, 149 IPC | Nathana, District Bathinda |

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that other co-accused have already been granted concession of bail and as such his custodial interrogation is not required. He submits that petitioner is ready to join the investigation and he prays for grant of concession of anticipatory bail to the petitioner.

4. Per contra, learned State counsel has opposed the bail application by arguing that petitioner happens to be the main accused in the occurrence who had given kirpan blow which hit on the left side of the head near the ear of the complainant. He submits that the injury attributed to the petitioner is grievous in nature caused on the skull region, as such petitioner is not entitled to anticipatory bail and moreover his custodial interrogation is required to recover the weapon used for committing the offence.

5. After considering the rival contentions and going through the record it transpires that instant case was registered on the statement of Satpal Singh that while going for some work on motorcycle with his friend Videshpreet Singh when they reached bus stand of Nathana, the accused persons attacked them with their respective weapons. It is specifically stated that the present petitioner had caused injury with kirpan on the head of complainant. As per the reply submitted by the State, the injury attributed to the present petitioner is grievous in nature caused with kirpan which hit on the left side of the head near ear of the complainant. This injury on the parietal region of the skull of the complainant caused by the petitioner with sharp edged weapon i.e. kirpan has been declared to be grievous.

6.           Considering the serious nature and gravity of offence coupled with the fact that recovery of weapon is to be effected from the petitioner, custodial interrogation is required, therefore, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent, the petition is hereby dismissed.

7.           Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)  
JUDGE

01.02.2024  
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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |