

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.2546 of 2024
Date of decision: 20th January, 2024

Parampal Singh
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurpal S. Sandhu, Advocate for
Mr. Jasdeep S. Bhullar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.214 dated 09.12.2023 under Sections 323, 324, 34 of the IPC (Section 326 IPC added later on) registered at Police Station City Malout, District Sri Muktsar Sahib.
2. Learned counsel inter alia contends that on account of strained relations between the petitioner and the complainant, false allegations have been leveled against the petitioner in the FIR in question, which has been annexed as Annexure P-1. While drawing the attention of this Court to the allegations leveled in the FIR, it has been further submitted that the petitioner was allegedly armed with a base-ball bat, with which he inflicted an injury on the temple of the injured, which was opined to be simple in nature. It has been further asserted by the learned counsel that

the injury inviting the mischief of Section 326 IPC had been attributed to the co-accused, who was armed with a Kirpan. He thus, prays for grant of the concession of anticipatory bail to the petitioner. It has been submitted that the petitioner is willing to join investigation and cooperate with the investigating agency.

3. Notice of motion.

4. Mr. Mohit Kapoor, Addl. Advocate General, Punjab, who is present in Court, accepts notice on behalf of the State. He has vehemently opposed the prayer and submissions made by the counsel opposite in view of the role played by the petitioner in the crime in question.

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

6. A perusal of the allegations leveled in the FIR in question, prima facie leaves no manner of doubt that it was a premeditated attack carried out by all the accused including the petitioner. On the fateful day, prior to the occurrence in question, a quarrel had ensued between the complainant and the co-accused Navjot Singh and Gurjant Singh, and after a little while, the aforementioned two persons along with the petitioner intercepted the complainant armed with lethal weapons. All of them, thereafter, without any provocation, launched an attack on the injured, as a result of which he sustained injuries which also find reflected in his medico-legal report (MLR) as per the instructions received by the learned State counsel.

7. No doubt, the petitioner has not been attributed an injury inviting the mischief of Section 326 IPC, however, he clearly comes across as an active participant in the crime in question.

8. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner in the instant case.

9. Dismissed.

10. 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.

(MANJARI NEHRU KAUL)
JUDGE

January 20, 2024
rps

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