

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3864-2024

Sukhwinder Singh @ Kulwinder Singh @ Mahla

.....Petitioner

Vs.

State of Punjab

.....Respondent

Reserved On.: 05.03.2024
Pronounced On: 07.03.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By: Mr. R.V.S. Chugh, Advocate
for the petitioner.

Mr. Madhur Sharma, DAG, Punjab.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 438 Cr.P.C is for grant of anticipatory bail in case FIR No.406 dated 23.12.2023 under Sections 323, 324, 308, 341, 379-B, 506 & 34 of the IPC registered at Police Station Sadar Mansa, District Mansa.

2. As per prosecution allegations, on 21.12.2023, petitioner accompanied by co-accused Shiv Singh, Kuldeep Singh @ Ghugi and Kuldeep Singh son of Mohinder Singh caused injuries to complainant Bittu Singh and Manpreet Singh & Gurdeep Singh with various kinds of weapons like kirpan, iron pipe etc. Petitioner was armed with an iron pipe and he is attributed to have given blows with iron pipe to Manpreet Singh and Gurdeep Singh.

3. The status report also reveals that five blunt injuries were found

on the person of Bittu Singh, out of which four injuries were declared to be grievous in nature. Two injuries were found on the person of Manpreet Singh and one of the injury was inflicted by the petitioner. As many as seven injuries were found on the person of Gurdeep Singh and one of them was declared to be grievous in nature. Out of these, four of the injuries were inflicted by petitioner Sukhwinder Singh @ Kulwinder Singh @ Mahla.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that the name of the petitioner is Sukhwinder Singh and not Kulwinder Singh @ Mahla as mentioned in the FIR and thus, there is a dispute regarding the identity of the petitioner. Learned counsel further contends that the alleged role attributed to the Kulwinder Singh @ Mahla is only to the effect that he had given iron pipe blows on the persons of Manpreet and Gurdeep Singh and that those injuries are simple in nature; that petitioner is ready to join the investigation and so, he be allowed bail.

4. Strongly opposing the bail petition, learned State counsel submits that it has been found during investigation that it is the petitioner, who has been named as Kulwinder Singh @ Mahla son of Bhola Singh in the FIR, as one of the assailants.

5. It may be mentioned here itself that a specific query was put to the Ld. counsel for the petitioner as to whether there is any person in the village by the name of Kulwinder Singh @ Mahla son of Bhola Singh or that whether Bhola Singh has any son by the name of Kulwinder Singh @ Mahla, but counsel for the petitioner could not give any satisfactory reply. It could also not be refuted by learned counsel that name of the father of the petitioner is Bhola

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Singh.

6. Learned State counsel has also pointed out that petitioner is specifically named as one of the assailants, who along with others caused simple as well as grievous injuries to three persons with various kinds of weapons and at that time petitioner was holding an iron pipe. Learned State counsel submits that interrogation of the petitioner is required to effect the recovery of weapon used in the crime and that having regard to gravity of the offence, petitioner does not deserve to be given the benefit of anticipatory bail.

7. Having considered submissions of both the sides and also after taking into account the role attributed to the petitioner in the crime. who along with co-accused actively participated in the crime but without commenting anything further on the merits of the case, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

March 07, 2024

Neetika Tuteja

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