

224 IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-4907-2024 (O&M)  
Date of Decision: 08.02.2024

Sanju .....Petitioner

Versus

State of Punjab .....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Verma, Advocate,  
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. S.S. Majithia, Advocate,  
for the complainant.

MAHABIR SINGH SINDHU. J.

Status report dated 08.02.2024 by way of affidavit of Sh. Brij Mohan, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana filed on behalf of respondent-State is taken on record. Registry to tag the same at appropriate place. Copy supplied to the other side.

2. Present petition has been filed under Section 438 of Code of Criminal Procedure seeking pre-arrest bail in FIR No. 271 dated 16.11.2021, registered under Sections 323, 341, 506 & 148 read with Section 149 IPC (Section 307 IPC added later on) at Police Station, Division No.6, District Ludhiana.

3. Learned counsel contends that petitioner has been falsely implicated in the present case. No injury attracting offence under Section 307 IPC has been attributed to the petitioner. If at all, the injury could be simple in nature; thus, petitioner be granted the concession of pre-arrest bail.

4. *Per contra*, learned State counsel while making reference to para 4 of the status report dated 08.02.2024, submits that petitioner actively

participated in the commission of crime and he inflicted injuries on the vital part of the body attracting offence under Section 307 IPC.

Similarly, learned counsel for the complainant also opposed the prayer of the petitioner while submitting that iron-rod used by him is to be recovered; hence, petitioner does not deserve the concession of pre-arrest bail.

5. Heard learned counsel for the parties and perused the paper-book.
6. It is not in dispute that petitioner is named in the FIR and specific role has been attributed to him. The injuries attributed to the petitioner, *prima facie*, appears to be on the vital part and reference in this regard can be made to the medical report (R-1) which reads as under:-

| Sr. No. | Injuries                                                                                                            | Marked | Injury Number |
|---------|---------------------------------------------------------------------------------------------------------------------|--------|---------------|
| 1.      | Stab Wound 8 X 2 X 2.5 CM. Fresh bleed present. Back of right shoulder 8 X 2 X 2.5 CM. Adv. surgery opinion urgent. | Yes    | 1             |
| 2.      | Lacerated Wound 2 X 3 CM behind right ear. Fresh bleed present. Adv. ENT opinion                                    | Yes    | 2.            |
| 3.      | Reddish abrasion 1 X 1 CM on right ankle. Fresh bleed present.                                                      | Yes    | 3             |

7. In view of the above, this Court is of the opinion that custodial interrogation of the petitioner is very much required to unearth the truth.
8. Thus, there is no option, except to dismiss the present petition.
9. Ordered accordingly.
10. The above observations be not construed as an expression of opinion on the merits of the case, in any manner.
11. Pending application(s), if any, shall also stand disposed off.

08.02.2024  
SN

(MAHABIR SINGH SINDHU)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether Reportable: Yes/No