

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-5461-2024 (O&M)
Date of Decision:-29.4.2024

Ram Saroop @ Ajya @ Saroop Lal and another ... Petitioners
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ajay Pal Singh Rehan, Advocate for the petitioners.
Mr. Gauravdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
2	5.1.2024	Haryana, District Hoshiarpur	323, 308, 341, 34 of Indian Penal Code and Sections, wherein offence under Section 325 IPC was added later on

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioners seeking grant of ancitipatory bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Inderjit Singh, wherein it is alleged that on 31.12.2020 he alongwith his friend Davinder Kumar had gone to the house of Harpreet Singh @ Happy so as to enquire about the well being of his father, who was unwell. After visiting his friend, the complainant and his friend Davinder Kumar started back & Harpreet Singh @ Happy also

accompanied them. It is alleged that at about 7:45 p.m. when they were near the crossing of Village Sajjan Amb Wala, then Deepak Bansal, Rajeev Kumar Bansal, Vikas @ Aalu and Ram Saroop @ Ajay, who were all carrying 'khanda' in their hands, waylaid them. It is alleged that Rajeev Bansal inflicted a blow with 'khanda' on the head of complainant. Deepak Bansal also inflicted a blow with 'khanda' on the rear of complainant's head with an intention to kill him. When complainant's friend Harpreet Singh @ Happy came forward to save him, Rajeev Bansal inflicted a 'khanda' blow to him with an intention to kill him, which hit him on his forehead above nose. Vikas @ Aalu is also stated to have given a blow with 'khanda' to Harpreet Singh @ Happy hitting him on his right leg. Ram Saroop @ Ajay gave injuries on the left leg of Harpreet Singh @ Happy, which were otherwise not externally visible. When the complainant and others raised alarm, they were saved by Davinder Kumar.

3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and that the falsity would be evident from the fact that there is a delay of 5 days in lodging the FIR. Learned counsel also submitted that since the only grievous injury found on the person of one of the injured namely Harpreet Singh @ Happy on his face, therefore, no offence under Section 308 IPC can be said to be made out particularly when even the complainant has not received any incised wounds on his head.
4. Opposing the petition, learned State counsel submitted that the manner in which all the four accused, who were armed with heavy weapons in the shape of 'khanda', had actually inflicted injuries on vital parts of both the injured, the intention of accused can be clearly inferred. It has been submitted that the mere fact that the complainant sustained simple injuries or did not sustain any

incised would, will not dilute the offence particularly when the complainant and Harpreet Singh @ Happy have been caused injuries with ‘*khandā*’ on vital parts of their body, which have been duly found to be existing as per the medical record.

5.
- Having consider the aforesaid submissions, this Court is of the opinion that the facts do *prima facie* suggest that the accused had caused injuries to the injured in an attempt to cause their death. The nature of weapons used for causing injuries and seat of injuries would clearly reflect upon the intention of the accused. Under these circumstances, this Court does not find any special case for grant of anticipatory bail. The instant petition is sans merit and is hereby dismissed.

29.4.2024
pankaj

(Gurvinder Singh Gill)
Judge

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