

(213)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8089-2024
Date of Decision: 14.03.2024

MANPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Addl. DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.13 dated 07.03.2023 registered under Sections 326, 324, 323, 34 IPC, 1860 at Police Station Bhindi Saidan, District Amritsar.

2. The present FIR came to be registered at the instance of Manjit Kaur wife of Jagbir Singh and the same reads as under:-

“Statement of Manjit Kaur wife Jagbir Singh resident of village Dag police station Bhindi Saida age about 40 years mobile number 98146-53718. It is stated that I am a resident of the above said address and is housewife. On 14-02-2023 It would be around 01:30 PM that I was going to cut fodder from my land with my son Lavjit Singh aged about 12 years when Kashmir Singh son of Munsa Singh resident of Chhan Kala challenged me and said that catch it today and teach her lesson for turning our castles from her fields. On this, Manpreet Singh son of Sultan Singh hit my right leg with his

hand held chisel (Datar) on the shin of my right leg and I fell down. Binder Singh son of Lakhbir Singh and Bhular Singh son of Samma Singh all residents of Village Chhan Kala hit me with kicks, while I was lying. On this my son Lavjit Singh raised alarm of killed-"killed". On hearing this husband Jagbir Singh came out of the house. On seeing him the assailants escaped from the spot with their respective weapons. My husband Jagbir Singh arranged the vehicle and admitted me to Civil Hospital Lopoke. Where I am under treatment. Till date the respectable were trying to effect compromise of both correct. RTI/- Manjit Kaur."

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. There was a delay of 17 days in the registration of the FIR and the explanation that the possibility of a compromise was being explored because of which the delay had occurred was baseless. As the petitioner was ready and willing to join investigation, he was entitled to the concession of anticipatory bail.

4. A short reply dated 14.03.2024 by way of an affidavit of Sukhjinderpal Singh, PPS, Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural) has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the injury attributed to the petitioner on the person of the injured/complainant-Manjit Kaur is an incised wound on her right leg which is grievous in nature inasmuch as the middle shaft of the tibia bone has been cut. Therefore, as the petitioner was the main accused having caused grievous injuries on the person of the complainant who happens to be a lady, he was not entitled to the concession of anticipatory bail moreso as the recovery of the Dattar was to be effected from him.

5. I have heard the learned counsel for the parties.
6. A perusal of the FIR itself would show that the petitioner is the main accused having inflicted a Dattar blow on the right leg of the injured/complainant-Manjit Kaur which has caused a cut in the middle shaft of the tibia bone. The said injury is grievous in nature. The recovery of the weapon of offence is to be effected from the petitioner. Therefore, the custodial interrogation of the petitioner is necessary.
7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

14.03.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No