

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103

CRM-M-8486-2024

Date of decision: 21.02.2024

Kamaldeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhinav Gupta, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.107 dated 13.12.2023 under Sections 323/324/341/148/149 of the IPC (Sections 307/326/506/34 of the IPC added lateron), registered at Police Station Chhajli, District Sangrur.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the instant case for allegedly participating in the occurrence in question which took place on 12.12.2023 at 10:00 P.M. While drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, learned counsel has further submitted that his false implication in the case at hand finds credence from the fact that he was neither named therein nor any role assigned to him in the alleged occurrence; he came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Yadwinder Singh. It has been vehemently asserted by the learned counsel that the evidentiary value of such a disclosure

statement is of a weak nature.

3. Notice of motion.

4. On asking of the Court, Mr. Amit Rana, Sr. DAG, Punjab., accepts notice on behalf of the respondent-State.

5. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that no doubt the petitioner was not named in the FIR in question, however, in the FIR it was categorically alleged by the complainant that along with the co-accused some unknown persons were also present and who had participated in the occurrence in question. Learned State counsel has submitted that the petitioner was one of the unknown persons who had accompanied the co-accused and was part of the unlawful assembly. Learned State counsel has still further submitted that during investigation it has come to light that the petitioner and the other accused were armed with sticks with which they attacked the injured complainant as a result of which he sustained 06 injuries including 02 injuries on his head which were opined to be dangerous to life.

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

7. Prima facie a perusal of the allegations levelled in the FIR in question reveal that it was a premediated attack carried out by all the accused including the petitioner, who after forming an unlawful assembly inflicted grievous injuries on the complainant with their respective weapons; the ocular testimony finds prima facie corroboration with the medical evidence. In the facts and circumstances

as enumerated hereinabove coupled with the gravity of the offence, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

8. Accordingly, the instant petition is hereby dismissed.

9. 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.

21.02.2024	(MANJARI NEHRU KAUL)
Vinay	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No