

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

CRM-M-10016-2024

Date of decision: 26.02.2024

Harmandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.K.S. Phoolka, 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.153 dated 06.09.2023 under Sections 326, 324, 323, 148, 149 of the IPC, registered at Police Station Sadar, Bathinda, District Bathinda.

2. Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon the petitioner by the complainant. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, learned counsel submits that though the occurrence in question took place on 04.09.2023, however, there was a delay of two days in the lodging of the FIR which clearly hinted towards an exaggerated version having been brought forth against the accused including the petitioner. Learned counsel further submits that as per the allegations levelled, the petitioner no doubt had been attributed a kirpan blow on the wrist of the complainant, however, the wrist of the complainant was not vital part of his body. He has submitted that had the intention of the petitioner been otherwise, he

would have targeted some vital part of the body of the complainant.

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, on instructions from Ramandeep Singh, has submitted that a perusal of the FIR leaves no manner of doubt that it was a premediated attack carried out by all the accused including the petitioner; all the accused were armed with lethal weapons with which they attacked the complainant. Soon after the occurrence in question, the complainant was removed to the hospital and a ruqa was also sent immediately to the police station, hence in the circumstances, the submissions made by learned counsel for the petitioner that there had been delay in the lodging of the FIR, was bereft of any merit. Learned State counsel has submitted that the delay, if any, in the lodging of the FIR had been on account of the police not arriving at the hospital in time. He has further submitted that the petitioner has been attributed grievous injury on the wrist of the complainant; the wrist of the complainant cannot be said to be a non-vital part of his body. It has also been brought to the notice of this Court that the petitioner has criminal antecedents as he is involved in two other criminal cases of similar nature, which are as under:-

(i) FIR No.251 of 2023 under Section 326 of the IPC registered at Police Station Civil Lines, Bathinda.

(ii) FIR No.178 dated 22.08.2020 under Sections 324, 323, 506 of the IPC registered at Police Station Canal Colony, Bathinda.

6. I have heard learned counsel for the parties and perused the

relevant material on record.

7. Prima facie there are serious and specific allegations against the petitioner of having inflicting a grievous injury with a kirpan on the wrist of the complainant, attracting the mischief of Section 326 of the IPC. The petitioner is also involved in two other criminal cases. Therefore, in the facts and circumstances, this Court is not inclined 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.

26.02.2024	(MANJARI NEHRU KAUL)
Vinay	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No