

215

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.12276-2024
Date of Decision:-29.04.2024

RAMAN KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed reply by way of affidavit dated 03.04.2024 of Deputy Superintendent of Police, Sub Division Garhshankar, District Hoshiarpur, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0157	11.09.2023	324, 34 IPC (326, 120-B, 148, 149 IPC added lateron)	Garhshankar, District Hoshiarpur

3. Learned counsel for the petitioner *inter alia* contends that the

petitioner is innocent and has been falsely implicated in this case on the basis of the alleged disclosure statement made by co-accused Balwinder Singh @ Sajan. He submits that the petitioner has no concern with the alleged occurrence, nor any specific overt act has been attributed to the petitioner and the petitioner is ready to join the investigation.

4. *Per contra*, learned State counsel contended that the petitioner is actively involved in the said crime, apart from being nominated in the disclosure statement made by co-accused Balwinder Singh @ Sajan, the petitioner has also been named specifically in the supplementary statement made by the complainant and is alleged to have given datar blow on the left cheek of the complainant-Ramji, besides giving another datar blow on his right side of his head. Learned counsel for the State further contends that the petitioner along with co-accused who were also armed with swords and datars have attacked the complainant and inflicted injuries on various parts of his body including head and forehead, in these circumstances, custodial interrogation of the petitioner is required and even the recovery of weapon is to be effected, as such he prays for dismissal of the bail petition.

5. After hearing the respective submissions and perusing the record, admittedly in the FIR the petitioner was not named and the allegations were against 3 persons with muffled faces armed with sword and datar, and the name of the petitioner surfaced in the supplementary statement given by the complainant and also in the disclosure statement made by co-accused Balwinder Singh @ Sajan. There is specific attribution to the petitioner of having attacked on the complainant with datar (sharp edged

weapon) on left cheek and another blow on the right side of the head of the complainant, therefore, considering the nature and gravity of offence and also the fact that custodial interrogation of petitioner is required to recover the weapon used in the occurrence, therefore, in these circumstances, no case is made out in favour of petitioner for grant of anticipatory bail, consequently, finding no merit in the petition, the same is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

29.04.2024
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |