

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-13329-2024 (O&M)
Date of Decision : April 02, 2024

GURMEET SINGH -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Yogesh Goel, Advocate with
Mr. Apurav Kamboj, Advocate and
Mr. Lakshay Goel, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Harmanjot Singh Gill, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

- Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.15 dated 10.02.2024, under Section 323/324/341/379-B/34 of the IPC (Section 379-B of the IPC deleted subsequently, and, Section 326 of the IPC added), registered at P.S. Lambi, District Sri Muktsar Sahib.
- The learned counsel for the petitioner, in his craving for grant of the relief (supra), has submitted that initially the only role attributed to the petitioner, in the present FIR, was that, he was empty-handed present at the spot of occurrence along with his co-accused, and that, his co-accused caused injuries to the complainant at his instance. However, subsequently the complainant has, in his supplementary statement, which

is in fact the outcome of concoction and afterthought, alleged that the petitioner was present at the spot of occurrence while being armed with a Danda (wooden stick), and that, he had caused him two injuries, which otherwise are declared “simple in nature”.

3. Citing existence of material improvement(s) in the version of the complainant, the learned counsel for the petitioner has assailed the validity of the present FIR, on the ground that, it has falsely been registered, owing to existence of an earlier dispute between the complainant and petitioner’s co-accused.

4. The learned counsel for the petitioner has next argued that earlier though the petitioner was arrested by the police, however, upon deletion of Section 379-B of the IPC in the present FIR, he was released on bail. He has further argued that custodial interrogation of the petitioner is not required, as consequent upon his arrest, he has already got recovered the Danda (wooden stick). To lend strength to this argument, he has submitted that even the respondent-State has, in its reply, not cited that custodial interrogation of the petitioner is required.

5. This Court has heard the submissions made by the learned counsel for the petitioner and also perused the record.

6. Be that as it may, what conclusion ensues from perusal of the record, is that, the present case is not a fit and deserving case for granting the extraordinary relief of anticipatory bail, inasmuch as, the complainant has suffered nine injuries, out of which, three injuries, i.e. Injuries No.3 to 5, which are stated to be caused with sharp edged weapons, are declared “grievous in nature”.

7. The inference, which becomes further generated from perusal of the record, is that, the injuries (supra) cannot, by any stretch of imagination, be assumed or termed as “self suffered injuries”. The complainant was beaten black and blue in broad daylight, solely owing to the existence of a financial dispute.

8. Moreover, even if it is believed, as argued by the learned counsel for the petitioner, that initially the petitioner has not been assigned any role in the present FIR, yet, solely on this ground, the petitioner does not deserve the concession of bail, as he has specifically been named in the present FIR. The conclusion (supra) of this Court gains vigor from the fact that, during investigation, the petitioner had got recovered the Danda (wooden stock) as used in the alleged occurrence. Moreover, although the petitioner was earlier released on bail by police, however, it was because Section 326 of the IPC was not in existence in the present FIR at that time.

9. For all the reasons (supra), this Court does not find any merit in the instant petition and is constrained to dismiss the same. Consequently, the instant petition is **dismissed**.

10. Pending application(s) stand disposed of accordingly.

April 02, 2024
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(KULDEEP TIWARI)
JUDGE

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