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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.13996-2024
Date of Decision:-09.04.2024

GURPREET SINGH AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amit Arora, Advocate,
for the petitioners.
Ms. Sakshi Bakshi, AAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed reply by way of affidavit dated 09.04.2024 of Deputy Superintendent of Police, Sub-Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran, the same are 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
31	24.01.2024	326, 324, 323, 506, 148, 149 IPC	Goindwal Sahib, District Tarn Taran

3. Brief facts of the case are that the present FIR was got registered at the instance of complainant-Malkit Singh stating that when he

was returning with his son Akashdeep Singh after performing sewa at Gurudwara Sahib Patti Sewa Jetha Sanjhi Wala on 13.01.2024, and reached near Shivdyala Temple, Joban, Lovepreet Singh, Jagga, Sarwan Singh, Gurpreet Singh and Sonu armed with datars accompanied by 10-12 unknown persons armed with baseball bat, dang etc. surrounded the complainant and accused Joban gave lalkara upon which Lovepreet Singh inflicted a datar blow hitting the left hand palm of complainant, accused Sarwan Singh inflicted a datar blow which fell upon the palm of right arm, Gurpreet Singh gave datar blow upon the left arm of the complainant. His neighbour Satnam Singh, intervened and accused Lovepreet Singh gave datar blow upon the right side of his head as a result, he slumped on the ground. Then accused Jagga inflicted a datar blow on the back side of the neck of Akashdeep followed by another datar blow by Sarwan Singh upon the complainant which fell upon the inner side of the right thumb of the complainant. Accused Joban gave another reverse datar blow upon Satnam Singh which hit him on the left side of his chest. Accused Sonu gave reverse datar blow upon the complainant which hit upon the right arm of the complainant. The remaining unknown assailants kept on giving repeated blows with their respective weapons upon the complainant and Satnam Singh. On raising alarm, the assailants fled away and the injured were admitted to the hospital and discharged on 15.01.2024.

4. Learned counsel for the petitioners *inter alia* contends that the petitioners are innocent and has been falsely implicated in this case. He contends that the allegations qua the petitioners are that they were stated to be armed with datar and allegedly have inflicted datar blows on the person

of the complainant Malkiat Singh. He contends that the ocular version and medical evidence are contradictory to each other and are highly unbelievable that 6 named accused persons and 12 unidentified persons armed with weapons inflict injuries with sharp edged weapons as narrated by the complainant and still all the injuries except one declared grievous in nature. He contends that the petitioners are ready to join the investigation, as such he prays for grant of concession of anticipatory bail to the petitioners.

5. On the other hand, learned State counsel has assailed these arguments by referring to the reply dated 09.04.2024 and argued that as per MLR Satnam Singh had received an incised wound on head and abrasion on lower part of sternum, Akashdeep Singh had suffered one incised wound on the middle of his head and Malkit Singh-complainant had as many as five injuries out of which four were incised wounds on different parts of his body including the one declared to be grievous in nature. He further submits that even injured, minor Akashdeep Singh, 13 years, had not been spared and had sustained incised wound on his head. He submits that both the petitioners were armed with datars and had actively participated in the alleged occurrence, as such he prays for dismissal of the present petition.

6. After considering the rival contentions and perusing the record, it transpires that complainant was allegedly attacked by Joban, Lovepreet Singh, Jagga, Sarwan Singh, Gurpreet Singh and Sonu armed with datars accompanied by 10-12 unknown persons armed with baseball bat, dang etc. and there is specific attribution to the petitioners of having inflicted repeated datar blows on person of complainant. In this manner, it is observed that the petitioners have actively participated in the occurrence wherein armed with

sharped aged weapons along with other accused armed with deadly weapons have caused multiple injuries to the complainant and others injuring on various parts of their body. In these circumstances, no case is made out in favour of petitioners for grant of anticipatory bail, as their custodial interrogation is required and even the recovery of weapons used by them in the crime are yet to be recovered, consequently, finding no merit in the petition, the same is hereby dismissed.

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

(SANJIV BERRY)

JUDGE

09.04.2024

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