

2024:PHHC:045734

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-14920-2024
Date of Decision : April 04, 2024

SUKHJINDER SINGH @ MITHU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.184 dated 21.12.2023, under Sections 323, 324, 326, 452, 148, 149, 427 of IPC, registered at Police Station Subhanpur, District Kapurthala.
2. Learned counsel for the petitioner submits that it is a case of version and cross-version, as the petitioner also suffered a deep cut on his face, which is a grievous injury and despite that no FIR has been registered against the complainant party. He further submits that there is a delay in registration of the present FIR, therefore, it is a clear cut case of concoction and cannot be relied upon .
3. This Court on the last date of hearing had directed the State to file reply to the instant petition. Today, short reply by way of affidavit of Deputy Superintendent of Police, Sub Division Bholath Kapurthala has been filed, the same is taken on record.

4. The reply (Supra) makes specific revelation that the injury suffered by the present petitioner is declared to be grievous in nature.

The relevant extract reads as under:-

“That there are specific allegations against the present petitioner Sukhjinder Singh @ Mithu is that he inflicted his dasti datar blow upon the complainant and in order to save himself from the blow, he (complainant) raised his left hand and the blow fell on the fingers of his left hand. Then the second blow was inflicted by Sukhjinder Singh @ Mithu upon him (complainant) from his dasti datar and the blow fell on his left leg. It is pertinent to mention here that the grievous injury under Section 326 IPC is attributed to the present petitioner Sukhjinder Singh @ Mithu and even the weapon used in the offence i.e. datar is also to be recovered from Sukhjinder Singh @ Mithu (petitioner) as such present petition is liable to be dismissed. ”

5. Even otherwise from the reply, it is clear that the petitioner is involved in as many as 9 other cases. On a pin-point query raised by this Court to the learned counsel for the petitioner, whether, the petitioner has moved any complaint against the complainant party to which his answer was in negative and submits that since he is running away from the clutches of law, therefore, he was unable to make any complaint. This Court is unable to accept this explanation. The petitioner had ample opportunity from the date of registration of FIR, till today, to approach the higher authority/the learned Illaqa Magistrate concerned for registration of an appropriate complaint.

6. Be that as it may, considering the role of the present

petitioner as well as his antecedents, this Court is not inclined to grant the extra ordinary relief of pre-arrest to the petitioner, therefore, the instant petition is ordered to be **dismissed**.

April 04, 2024
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(KULDEEP TIWARI)
JUDGE

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