

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.14783 of 2024
Date of Decision: 02.04.2024

HAPPY @ HARUN KUMAR AND ANR

.....Petitioner(s)

Vs

STATE OF PUNJAB

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Kewal Singh, Addl. A.G., Punjab.

Mr. Deepak Arora, Advocate
for the complainant.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 438 Cr.P.C., prayer has made for grant of anticipatory bail to the petitioners in case bearing FIR No.136 dated 28.12.2023 registered under sections 326, 325, 341, 324, 323, 506, 148, 149, 120-B IPC at Police Station Sadar Gurdaspur, District Gurdaspur.

[2]. Short reply by way of affidavit of Mohan Singh, PPS, Deputy Superintendent of Police, City, District Gurdaspur on behalf of the respondent/State has been filed in Court, which is taken on record.

[3]. The petitioners have been implicated of having given *datar* blows to the complainant/victim.

[4]. Learned counsel for the petitioners submits that the injuries attributed to the petitioners are on non-vital part of body of complainant/victim and both the petitioners being brothers have been implicated of having given injuries on the same part of body.

[5]. Learned counsel further submits that the FIR in question is a pressure tactics as the victim/complainant has been arrayed as an accused at the instance of father of the petitioners, who was being pressurized for entering into a settlement and having failed in the said object, the FIR in question has been got registered against the petitioners, who are young boys of aged 21 and 19 years and are not having any criminal antecedents and, thus deserve concession of anticipatory bail.

[6]. On the other hand, the prayer made on behalf of the petitioners has been vehemently opposed by learned State counsel assisted by learned counsel for the complainant while submitting that injuries attributed to the petitioners are grievous in nature and have been inflicted with sharp edged weapon and, thus petitioners do not deserve concession of anticipatory bail.

[7]. I have heard learned counsel for the parties and perused the contents of the paper book. I am unable to find substance in the submissions made by learned counsel for the petitioners.

[8]. The extract of injuries from the order passed by the Addl. Sessions Judge, Gurdaspur as regards the same relate to the petitioners is reproduced hereunder:-

<i>Name of Accused</i>	<i>Armed with</i>	<i>Injury attributed</i>	<i>Nature of Injury</i>
<i>Happy s/o Satnam Singh</i>	<i>Datar</i>	<i><u>Inflicted injury upon the calf (sarkanj) of left leg of Mangat Singh (Incised wound measuring 3 cm x 1 cm present on middle of anterior aspect of left leg).</u></i>	<i>326 IPC (grievous hurt with sharp edged weapon)</i>
<i>Karanbir Singh @ Tannu s/o Satnam Singh</i>	<i>Datar</i>	<i><u>Inflicted injury below the calf (sarkanj) of left leg of Mangat Singh (Incised wound measuring 4 cm x 1 cm present on the anterior aspect of left leg below left knee).</u></i>	<i>326 IPC (grievous hurt with sharp edged weapon)</i>

[9]. The arguments raised on behalf of the petitioners that the FIR in question is a result of vindictive attitude on the part of complainant/victim, who has been arrayed as an accused at the instance of father of petitioners goes both ways as even it gives motive to the petitioner as regards the present incident.

[10]. Cumulative analysis of facts and circumstances of the present case as reflected from the contents of FIR as well as the medical records, the petitioners do not deserve concession of anticipatory bail especially considering the injuries attributed to them being grievous and having been inflicted through sharp edged weapon besides the victim/complainant remained hospitalized for 27 days. Resultantly, this petition is dismissed. While passing the present order, this Court is conscious of the fact as regards one of the co-accused Saurav Kumar @ Saurav having been granted interim protection in terms of order passed in CRM-M No.9419 of 2024, however in that case the injury attributed to him was declared as simple in nature as per medical opinion and that was the main and relevant distinction.

April 02, 2024 <i>Atik</i>	(HARKESH MANUJA) JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No