

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-15293-2024 (O&M)
Date of Decision:-10.4.2024

Gurpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Piyush Sharma, Advocate for the petitioner.
Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
138	19.12.2023	Cantt. Ferozepur, District Ferozepur	353, 332, 333, 341, 506, 186, 427, 379-B and 34 of Indian Penal Code

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR in question was lodged at the instance of SDO (Head Works Ferozepur) Rajinderpal Goyal, who has alleged that on 18.12.2023, when he alongwith his driver Vikram Singh was proceeding in an official vehicle from his office at about 5:20 p.m., then Gulshan Kumar @ Tikku accompanied by 2 unidentified persons came on a motorcycle and stopped their vehicle. It is alleged that Gulshan Kumar @ Tikku was armed with a hammer while two

unidentified persons were armed with a stick and 'kirpan' and they all started damaging the official vehicle with their respective weapons. It is alleged that while Gulshan Kumar @ Tikku inflicted a blow with hammer on his right leg, one of the unidentified person is stated to have inflicted a blow with stick on the right shoulder and left leg below the knee of the complainant and the second unidentified person, who was carrying a 'kirpan', is stated to have inflicted a blow on the left little finger and ring finger of the complainant from its reverse side. The unidentified persons also gave stick blows on the head of the complainant. When the complainant raised alarm, the aforesaid Gulshan Kumar @ Tikku snatched mobile phone of the complainant and all of them fled away from the spot with their respective weapons.

3. Mr. Jaiteshwar Singh, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.
4. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and that, in any case, even if all the allegations as levelled in the FIR are taken to be correct, no offence under Section 353 or 186 IPC can be said to be made out as the occurrence had taken place after office hours i.e. at about 5:20 p.m. It has been submitted that on the same premises no offence under Section 332 or 333 would be attracted as it cannot be said that the accused had obstructed any public servant for discharging his duties.
5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that although the petitioner is not specifically named in the FIR but the allegations virtually stand substantiated inasmuch as when Gulshan Kumar @ Tikku was arrested, from whose possession the mobile phone of the complainant was recovered, he had named the petitioner

as one of the unidentified person, who was carrying a sword. It has further been submitted that as many as 7 injuries were found on the person of the injured including a fracture on the left arm and that, under these circumstances, it can safely be said that the aforesaid injuries is not the handywork of one person, but had been caused by a group of persons.

6. This Court has considered the rival submissions addressed before this Court.
7. Having regard to the fact that the allegations of large number of injuries on the person of the complainant has been substantiated from the medical evidence and also the fact that the main accused Gulshan Kumar @ Tikku, who has been arrested and from whom the mobile phone of the complainant had been recovered, has specifically named the petitioner to be his associate in causing injuries, no special case for grant of regular bail is made out. The instant petition, as such, is sans merit and the same is hereby dismissed.
8. It is, however, directed that in case the petitioner surrenders before the trial Court within a period of 10 days from today and applies for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously preferably within a period of 3-4 days from filing of such application.

10.4.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No