

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

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2024:PHHC:046287
CRM-M-16565-2024
Date of decision: April 5th, 2024

Parampreet Singh @ Param

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prince Goyal, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.40 dated 30.01.2024 under Sections 323, 324, 427, 148, 149, 341, 506 of the IPC (Section 326 of the IPC added later on) registered at Police Station City Kapurthala.

2. Learned counsel for the petitioner submits that the petitioner has been falsely roped in the present case and it is only after the receipt of the MLR, the complainant, for reasons but obvious, chose to attribute the injury inviting the mischief of Section 326 of the IPC to the petitioner. It has been further submitted that the petitioner is a young boy of 18 years of age, who has no criminal antecedents; the petitioner did not have any motive to connive with the co-accused and participate in the alleged crime. A prayer has, therefore, been made to extend the concession of bail to the petitioner.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the FIR, which has been annexed as Annexure P-1.

4. A perusal of the FIR *prima facie* reveals that it was a premeditated attack carried out by all the accused including the petitioner, who were all armed with lethal weapons. They intercepted the complainant and without any provocation, started inflicting injuries upon his person. One of the complainant's friend namely Yuvraj, who was accompanying the complainant at the relevant time, too was not spared and was inflicted injuries by all the accused. As many as nine injuries were found on the person of the injured-complainant on being admitted to the hospital, which *prima facie* find corroboration with the allegations levelled in the FIR in question. It needs to be pointed out that as per the allegations levelled, during the scuffle which ensued between the injured-complainant and the accused, the mask, which the petitioner was wearing, fell off and the complainant then immediately identified the petitioner at the spot and also named him while lodging the FIR in question. The petitioner was allegedly armed with a *kirpan* and has been specifically attributed injury inviting the mischief of Section 326 on the wrist of the complainant.

5. In the facts and circumstances as enumerated hereinabove, particularly the role attributed to the petitioner, he does not deserve the extraordinary concession of anticipatory bail.

6. The instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 5th, 2024

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No