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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.18919-2024
Date of Decision:-06.05.2024

HARI NARAYAN YADAV

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Nippun Sharma, Advocate, for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of affidavit dated 06.05.2024 of Assistant Commissioner of Police, Anti Narcotics Cell, Ludhiana, Additional Charges as ACP (EAST), Ludhiana, the same is 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
115	07.08.2023	323, 324, 326, 341, 506, 148, 149 IPC	Meharban District, Ludhiana

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He



contends that no specific overt act has been attributed to the petitioner and the petitioner is not having any criminal antecedents, he is ready to join the investigation, as such he prays for grant of concession of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply dated 06.05.2024, contended that there are specific allegations against the petitioner having attacked the victim with sticks and caused fracture of frontal bone attracting offence under Section 326 IPC. He contends that the co-accused Gagandeep Singh has since been arrested and the custodial interrogation of the petitioner is required and even the weapon is yet to be recovered from the petitioner, as such prays for dismissal of the bail petition.

5. After hearing the respective submissions and perusing the record, it transpires that the present case was registered on the statement of the complainant Sukhjit Singh that on 31.07.2023 at about 9:00 p.m. while he along with his friend has gone to Rahon Road, Ludhiana on motorcycle for taking juice there, then some youngsters armed with Datars, Swords and Sticks came there and started beating the friend of the complainant and when the complainant intervened they also attacked him. The complainant named the assailants as Hari (the present petitioner), Jaspreet and Gagandeep Singh, who had attacked the complainant on his head with their respective weapons. As per MLR the complainant received 3 injuries on Frontal Bone, Parietal region while his friend sustained 2 injuries with incised wound on right forearm. The CCTV coverage was also taken by the police and the FIR was registered. From the reply submitted by the State it is evident that the

petitioner has caused injury on the frontal bone of the petitioner, which is declared grievous in nature, therefore, considering the nature and gravity of offence and also the fact that custodial interrogation of the petitioner is required for effecting recovery of weapons. Therefore, no case is made out in favour of petitioner for grant of anticipatory bail, resultantly, finding no merit in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

06.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |