



102+215

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.19120-2024(O&M)
Date of Decision:-21.05.2024

SURESH KUMAR @ HAPPY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. R.S.Bains, Sr. Advocate with
Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Ms. Anisha, Advocate for the complainant.

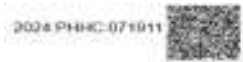
SANJIV BERRY, J (ORAL)

CRM-21551-2024

1. Application is for placing on record application/complaint UID No. 343113, dated 25.04.2024 for re-investigation of the case as Annexure P-11.
2. Heard.
3. Application is allowed as prayed for, subject to all just exceptions and complaint dated 25.04.2024 (Annexure P-11) is taken on record.
4. Registry to tag the same at appropriate place.

Main case

1. 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



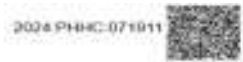
detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
217	26.10.2023	323, 324, 148, 149, 506 IPC (325 and 326 IPC added later on)	Guruharsahi, District Ferozepur

2. Brief facts of the case are that Desh Raj-complainant alleged that on 24.10.2023 at about 12:30 pm when he and his son Janak Raj and Rajinder Kumar were working in their factory, Amarjit, Jagsir Kumar, Hans Raj, Kashmir Lal armed with base ball bat, Suresh Kumar @ Happy armed with Kapa and 3-4 unidentified persons armed with Dangs came there and Darshan Ram raised lalkara, at which Amarjit gave baseball bat blow, which hit his right arm and Jagsir Kumar gave baseball bat blow hitting his left hand, then Suresh Kumar @ Happy hit him directly at his eye and nose. He fell down and Jagsir Kumar again gave baseball blow hitting his right hand and left elbow. The assailants also injured Janak Raj and Rajinder Kumar. After arranging vehicle, the injured were shifted to the hospital and as such the FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He submits that the alleged injuries are on non-vital parts of the body and nothing is to be recovered the petitioner and 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 assisted by learned counsel for the Complainant has opposed the bail application by arguing that the petitioner and other assailants have caused six injuries on the person of the complainant and as per MLR injuries No. 1,2,3,4 and 6 have been caused



with blunt weapon whereas injury no.5 has been caused with sharp edged weapon. The injury No.5 is attributed to the present petitioner Suresh Kumar, as such offences under Section 325/326 have been added in the present FIR. They further submit that as per MLR 19 injuries were recorded on the person of Janak Raj and 4 injuries on Rajinder Kumar. They submitted that the petitioner does not deserve the concession of bail and recovery of weapon is yet to be effected from him for which the custodial interrogation of the petitioner is required.

5. After hearing the respective submissions and perusing the record, it transpires that there are specific allegations against the petitioner in this case of having attacked the complainant with Kapa hitting on his face as a result thereof, nasal bone of the complainant aged about 70 years was fractured. The main injury under Section 326 IPC has been attributed to the petitioner having inflicted injury with the help of Kapa and, the recovery thereof, is yet to be effected from the petitioner for which custodial interrogation of the petitioner is required.

6. Therefore, considering the facts and circumstances of the present case and the nature and gravity of the offence no case is made out in favour of the petitioner for grant of anticipatory bail. Accordingly, finding no merit in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

21.05.2024

Gyan

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