

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-19508-2024 (O&M)
Date of Decision:- 17.05.2024

HARMANPREET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Adesh Pal Singh, AAG Punjab.

Mr. P.B.S. Goraya, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
07	17.02.2024	324/34 IPC (323 and 326 IPC added later on	Tarsikka, Amritsar Rural

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the complainant happens to be the real brother of the petitioner and there had been a property dispute between them due to which a false case has been planted upon the petitioner. He submits that even otherwise



the alleged injury is attributed on a non-vital part of the complainant. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report submitted by State and assisted by learned counsel for the complainant has assailed the arguments advanced by learned counsel for the petitioner and submits that the petitioner had inflicted 6 injuries on the person of the complainant including one grievous injury on his hand with a sharp edged weapon i.e. *datar*. He submits that the recovery of the weapon is yet to be effected from the petitioner for which his custodial interrogation is required. Hence, he prayed for dismissal of the bail petition.

4. During the course of arguments, learned counsel for the complainant has also shown photographs of the occurrence showing the complainant being attacked by the petitioner while being armed with *datar*. He thus prayed that the petitioner should not be granted the concession of bail.

5. Learned counsel representing the petitioner on the contrary has also pointed out that the petitioner had also sustained injury in the incident and got lodged a cross-version DDR, but no action thereon has been taken by the Police.

6. Learned State counsel on instructions submitted that the injury so claimed by the petitioner was found to be doubtful, therefore, no further action was taken in the said DDR.

7. After considering the rival contentions and perusing the record,



it transpires that the present case was registered on the statement of the complainant with the allegation that the petitioner along with co-accused, while being armed with *datar*, had inflicted multiple injuries on the person of the complainant, out of which injury No.1 was found to be grievous in nature. Though the said injury was not on the vital part of the body yet it is grievous in nature and recovery of weapon of offence is yet to be effected from the petitioner for which his custodial interrogation is required.

8. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

17.05.2024
S.Sharma(syr)

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