

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-20063-2024 &
CRM-19275-2024 IN/AND
CRM-M-21221-2024
Date of decision: 08.05.2024

Gurmail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Kumar, Advocate for the applicant-petitioner.
Ms. Manjot Kaur, AAG, Punjab.
Ms. Shivya Sehgal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

CRM-20063-2024

Application under Section 482 Cr.P.C. for placing on record photographs (P-3) and compact disc containing video of incident (P-4) and for further exemption from filing the certified copies of P-3 and P-4.

Since documents are not part of the investigation, hence, application is dismissed.

CRM-19275-2024

Application under Section 482 Cr.P.C. for seeking permission to place on record photographs and pen drive containing video footage of incident as C-1 and C-2 and exemption from filing the certified copies of the same.

Since documents are not part of the investigation, hence, application is dismissed.

Main case

Present petition has been filed under Section 438 of Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No. 24 dated 15.03.2024, under Sections 232, 307, 148 read with Section 149, 506 read with Section 34 of Indian Penal Code (for short 'IPC'), registered at Police Station Laddowal, District Police Commissionerate, Ludhiana.

(2) Above FIR was registered on the basis of statement made by complainant-Arun Kumar with the allegations that petitioner alongwith co-accused caused injuries to complainant with deadly weapons with intention to kill him.

(3) Short affidavit dated 07.05.2024 of Murad Jasvir Singh Gill, PPS, Assistant Commissioner of Police (West), Ludhiana has been filed on behalf of respondent-State, which is taken on record. Copies supplied to the other sides. Registry to tag the same at appropriate place.

(4) Learned counsel for the petitioner contends that he has been falsely implicated in the present case and he did not cause any injury to anyone. Further contends that petitioner is the owner of land in question and complainant alongwith his accomplices came to take illegal possession of the same and thus, he deserves the concession of pre-arrest bail.

(5) *Per contra*, learned State counsel has opposed the prayer while submitting that there are direct and specific allegations that petitioner gave 'gandasi' blow on person of injured-Gurdeep Singh with an intention to kill him; thus, petitioner does not deserve the concession of pre-arrest bail. Also submitted that custodial interrogation of petitioner is required to collect the relevant materials.

(6) Learned counsel for the complainant also opposed the prayer on the premise that petitioner has actively participated in the commission of crime.

(7) Heard learned counsel for the parties and perused the paper book.

(8) As per short reply filed by State, petitioner-Gurmail Singh gave *Gandasi* blow on the head of Gurdeep Singh with an intention to kill him, but he raised left arm and the blow struck on his left arm.

Even MLR of injured-Gurdeep Singh reveals that there are total three injuries suffered by him i.e. (i) Incised wound on left arm (ii) Multiple bruises on back (iii) bruises on right side of neck. Also noteworthy that doctor has opined injury No. 1 inflicted with sharp edged weapon.

(9) Keeping in view the seriousness of allegations, custodial interrogation of petitioner is very much necessary to go to the root of matter. In view of the above, this Court is not inclined to grant pre-arrest bail to the petitioner.

(10) Consequently, petition is dismissed.

(11) The observations made above be not construed as an expression of opinion on merits of the case; rather confined only to decide the present petition.

(12) Pending application(s), if any, shall also stand disposed off.

08.05.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No