

CRM-M-22475-2024
Date of decision: 20.05.2024

....Petitioner.

Versus

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Mr. Adesh Pal Singh, AAG, Punjab.

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SANJIV BERRY, J. (ORAL)

Status report dated 18.05.2024, filed in the form of affidavit of Deputy Superintendent of Police, Sub Division, Fatehgarh Sahib, District Fatehgarh Sahib, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Instant petition under Section 438 Cr.P.C. has been preferred seeking grant of anticipatory bail to the petitioner in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
52	19.05.2023	324, 506, 34 IPC (326 IPC added lateron)	Fatehgarh Sahib, District Fatehgarh Sahib.

3. Heard.



4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. He contends that the FIR was initially registered under Sections 324, 506 and 34 IPC but later on offence under Section 326 IPC has been added. Hence, he prays for grant of anticipatory bail.

5. *Per contra*, learned State counsel by referring to the status report (*supra*) has submitted that there are specific allegations against the petitioner of having attacked the complainant-injured with sharp edged weapon, i.e. dagger, on his back and the injured had to be shifted for medical treatment to PGI Chandigarh where the doctor could remove the dagger from his back after surgery. He contends that considering the nature and gravity of the specific role attributed to the petitioner, he deserves no leniency and prays for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that instant FIR was registered on the statement of the complainant-Sachin Chaudhary alleging that he is pursuing B-Tech from Baba Banda Singh Bahadur Engineering College, Fatehgarh Sahib, wherein, Dilpreet Singh, Harpreet Singh and the present petitioner-Nirvair Singh were also studying. It is alleged that on the fateful day, the aforesaid persons had attacked him and in the process the petitioner had given dagger blow on the back of the complainant/injured and he was shifted to Civil Hospital, Fatehgarh

Sahib from where he was referred to PGI, Chandigarh, where the doctor upon surgery could put out the dagger from his body.

7. A perusal of the record would reveal that specific role has been attributed to the petitioner in inflicting the injury on the person of the complainant with sharp edged weapon on his back and said dagger could only be removed during his treatment at PGI Chandigarh by the doctors after surgery.

8. After considering the nature and gravity of the offence and aforesaid specific attribution to the petitioner, no case is made out in favour of the petitioner for grant of anticipatory bail. As a consequence, instant petition is hereby dismissed.

20.05.2024
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(SANJIV BERRY)
JUDGE

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