



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**103**

**CRM-M-26928-2024**

**Date of decision: 27.05.2024**

Pardeep Kumar @ Pardeep Singh and another .....Petitioners

Versus

State of Punjab .....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Surinder Thakur, Advocate for the petitioners.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.29 dated 02.03.2024 under Sections 341, 323, 324, 326, 506, 148, 149 of the IPC registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioners has asserted that they both have been falsely implicated in the present case due to a history of strained relations between the parties. It is the complainant party which approached the shop of the petitioners and initiated an unprovoked attack upon them. In response, the petitioners were then compelled to defend themselves, resulting in injuries to the opposite side.

3. It has been also further submitted that following the occurrence in question which took place on 01.03.2024 at about 07:00 P.M., petitioner No.1-Pardeep Kumar had got himself medically



examined from CHC Qadian on 02.03.2024 at around 02:30 P.M. In support, learned counsel has drawn the attention of this Court to the MLR of petitioner No.1-Pardeep Kumar which has been annexed as Annexure P-5.

4. Learned counsel has, thus, argued that given the above facts and circumstances, it is evident that the petitioners are innocent and have been falsely implicated in this case for reasons but obvious.

5. I have heard learned counsel and perused the relevant material on record.

6. The allegations levelled in the FIR in question which has been annexed as Annexure P-1, prima facie indicate that attack was premeditated and carried out by all the accused including the petitioners, who were armed with datars. They went to the salon of the complainant and, without any provocation, immediately began inflicting injuries on him, including wounds to his head and other vital parts of his body. A perusal of the FIR in question reveals that there are specific attributions against the petitioners of having inflicting datar injuries on the head of the complainant, which is corroborated by the medical evidence.

7. While this Court would refrain from commenting on the argument raised by the petitioners that the injuries on the opposite party side were inflicted in self-defence, as the same would be appreciated only during trial, however, it would be noteworthy that the MLR of petitioner No.1-Pardeep Kumar (Annexure P-5) only mentions about complaints of leg pain and other minor discomforts. Be that as it may, this Court can also not ignore the criminal antecedents of the



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petitioners, which stand detailed in paragraph 15 of the petition. It would also be pertinent to point out that the instant crime was committed while the petitioners were out on bail in the other criminal cases pending against them. Hence, it is prima facie evident that the petitioners had misused the concession of bail granted to them.

8. Accordingly, the instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.05.2024

(MANJARI NEHRU KAUL)  
JUDGE

Vinay

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |