

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27108-2024 (O&M)

Date of Decision: 12.07.2024

Pawanpreet Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Raghav Soni, Advocate for the petitioner

Mr. JS Rattu, DAG Punjab

Sandeep Moudgil, J.

Relief

(1). This petition under Sections 438 CrPC has been filed by the petitioner seeking anticipatory bail in case FIR No.5 dated 20.01.2024 under Sections 323/326/506/34 IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Facts

(2). As per the allegations in the FIR, on 25.12.2023, at about 03:30 PM, the complainant Kuldeep Kaur and her husband were present at home when accused Lakhwinder Singh armed with gandasa (pole axe); Pawanpreet Singh (petitioner) armed with datar (sickle) turned outside the home of the complainant and started loudly abusing her and when she stepped outside, petitioner-Pawanpreet Singh raised a lalkara and accused Lakhwinder Singh inflicted a gandasa blow (reverse) upon the head of the complainant and she slumped on the ground. The petitioner-Pawanpreet Singh inflicted a datar blow and when the complainant raised her right arm, the blow hit the little finger of

the hand. When the complainant raised an alarm, the assailants fled away. Hence the present FIR has been lodged.

Submission by the petitioner

(3). Learned counsel for the petitioner submits that the alleged incident took place on 25.12.2023 and the FIR has been registered on 20.01.2024 i.e. after unexplained delay of 26 days from the date of occurrence. He further submits that there is no independent witness which casts serious doubt on the prosecution story. It is further argued that the petitioner has clean antecedents and there is nothing to show that the petitioner will abscond or disobey the orders passed by this Court or not cooperate with the investigating agency.

State's contention

(4). Learned State counsel contends that the injured suffered two injuries on the head and another on the right finger and the gravity of the offence committed by the petitioner can be gauged by the fact that the right finger of the injured has been cut-off and therefore, he does not deserve any concession by this Court. He would also seek custody asserting for recovery of datar and also to interrogate for further going into the reasons and motive of such attack.

Analysis

(5). The FIR itself narrates that the injury attributed to the petitioner is by datar blow that hit on the head of the complainant and another datar blow was of such intensity and gravity that it led to amputation of the right finger of the complainant. This fact is prima facie corroborated by the MLR. It can be seen that the medical of the injured was got conducted on 25.12.2023 itself i.e.

on the date of occurrence and as such, no question of fabrication or manipulation of the evidence or exaggeration of the injuries can possibly arise from the petitioner's side. The fact of the matter is that a person in her 40s has lost her little finger by the blow, as alleged, inflicted by the petitioner and for this Court, there is nothing contrary put forth by the petitioner to prima facie rebut the factual assertions made by the prosecution. Even the conciliatory proceedings inter-se parties have not fructified leaving no scope for this Court but to proceed further on merits.

(6). Moreover, the prosecution is yet to make recovery of the weapon from the petitioner and at this crucial stage, when medico-legal report coupled with the statement of the complainant point towards the involvement of the petitioner, this Court does not find it to be a case to exercise its jurisdiction and extend the concession of granting anticipatory bail to the petitioner inasmuch as there is every likelihood that the accused person may hinder the investigation or coerce the witness/evidence. It has also to be borne in mind that the gravity of offence is such that a human has suffered such injuries which may lead to permanent disability to some extent. Above all recovery is yet to be effected of weapon which is vital piece of evidence against the accused-petitioner. Hence, I am of the considered view that the petitioner do not deserve for discretionary relief under the circumstances and nature of allegation.

(7). Hence, the petition is dismissed having no merit.

12.07.2024

V.Vishal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No