

2024:PHHC:080083



2024:PHHC:080082



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102+202

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

Date of Decision:14.06.2024

1. CRM-M-29214 of 2024

Inderpreet Singh @ Inder Khakh	Petitioner
Vs.	
State of Punjab	Respondent

2. CRM-M-29384 of 2024 (O&M)

Satnam Singh @ Sukha Khakh	Petitioner
Vs.	
State of Punjab	Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rahul Bhargava, Advocate
for the applicant- petitioners.

Mr. Somesh Arora, Addl. AG, Punjab.

DEEPAK GUPTA, J. (Oral)

CRM No.25307 of 2024 in
CRM-M-29214 of 2024

This is an application under Section 482 Cr.P.C for incorporating
Section 325 IPC (which was added later on vide Rapat No.18 dated 10.05.2024)
in the headnote as well as prayer clause of the main petition i.e. CRM-M-29214 of
2024 in case FIR No.0074 dated 27.04.2024. under Sections 323, 341, 451, 148,

CRM-M-29214 of 2024
CRM-M-29384 of 2024

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149 IPC (offence under Section 307 added later on vide GD No.29 dated 30.04.2024) at Police Station Garhshankar, District Hoshiarpur, Punjab.

For the reasons mentioned in the application, the same is allowed. Section 325 IPC (added later on vide Rapat No.18 dated 10.05.2024) is permitted to be incorporated in the headnote as well as prayer clause of the main petition, i.e. CRM- M-29214 of 2024.

CRM No.25303 of 2024 in
CRM-M-29384 of 2024 (O&M)

This is an application under Section 482 Cr.P.C for incorporating Section 325 IPC (which was added later on vide Rapat No.18 dated 10.05.2024) in the headnote as well as prayer clause of the main petition i.e. CRM-M-29384 of 2024 in case FIR No.0074 dated 27.04.2024. under Sections 323, 341, 451, 148, 149 IPC (offence under Section 307 added later on vide GD No.29 dated 30.04.2024) at Police Station Garhshankar, District Hoshiarpur, Punjab.

For the reasons mentioned in the application, the same is allowed. Section 325 IPC (added later on vide Rapat No.18 dated 10.05.2024) is permitted to be incorporated in the headnote as well as prayer clause of the main petition, i.e. CRM- M-29384 of 2024.

CRM-M-29214 of 2024
CRM-M-29384 of 2024

In the two petitions cited above, both filed under Section 438 Cr.P.C., petitioners pray for grant of anticipatory bail in case FIR No.0074 dated 27.04.2024 registered under Section 323, 341, 451, 148, 149 IPC (offence under Section 307 IPC added later on vide GD No.29 dated 30.04.2024) (offence under

Section 325 IPC added later on vide Rapat No.18 dated 10.05.2024) at Police Station Garhshankar, District Hoshiarpur, Punjab.

As per allegations, on 24.04.2024, at about 04:00 PM, when the complainant – Rajvir Singh was sitting inside the Saloon, the two petitioners Sukha Khakh and Inder Khakh, along with 5-6 unknown persons armed with weapons like Khandas and Gandasas came there, started abusing him. They dragged the complainant out of the saloon into the street. The two petitioners caught hold of the complainant from his arms and then the unknown assailants inflicted gandasas blow on his head. In order to ward off the blow, the complainant raised his right arm and the gandasas blow fell on his right arm. The other unknown assailant gave khanda blow to the complainant hitting on his head. More injuries were also caused. The hue and cry was raised by the complainant attracting various people at which the assailants including the petitioners fled away.

It is contended by learned counsel that the petitioners have been falsely implicated; that the occurrence was captured in CCTV footage and that no specific injury is attributed to any of the petitioners. So much so, petitioners were not even part of the group who had caused injuries to the complainant.

Separate status reports by way of affidavits of Shri Parminder Singh, PPS, Deputy Superintendent of Police, Sub Division Garhshankar, District Hoshiarpur have been filed on behalf of the respondent- State in both the cases.

Strongly opposing the bail petition, learned State Counsel has drawn attention towards the status report as per which the two petitioners actively

participated in the crime by catching hold of the complainant and then the assailants caused injuries to him.

Learned State Counsel, after going through the CCTV footage, also informs that the two petitioners are clearly visible in the occurrence to be the part of the group of the assailants.

After hearing both the sides, this Court is not inclined to allow the anticipatory bail to the petitioners, having regard to the specific attribution to both of them, who along with other assailants, caused injuries to the complainant attracting Sections 307 and 325 IPC as well.

Both the petitions are hereby dismissed.

A photocopy of this order be placed on the file of connected case.

June 14, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No