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

CRM-M-30374-2024
Decided on: 23.07.2024

Apinderjit Singh @ Upinder Singh Sodhi Petitioner

versus

State of Punjab and another Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kunal Choksi, Advocate
 for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. P.B.S.Goraya, Advocate
for the complainant.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.51 dated 30.05.2024 under Sections 323, 324, 506, 148 and 149 IPC (Section 307 IPC added later on) registered at Police Station Bassi Pathana District Fatehgarh Sahib.

2. Learned counsel for the petitioner contends that in compliance of the following order passed by the Coordinate Bench of this Court on 21.06.2024, the petitioner had joined the investigation and duly cooperated with the investigating agency. Hence, the order dated 21.06.2024 be made absolute. It has also been submitted that the injury attributed to the petitioner could not by any stretch of imagination be said



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to be dangerous to life as it did not correspond with the weapon allegedly used by him in the occurrence in question i.e. sword.

3. Per contra, learned State counsel assisted by the counsel for the complainant have, however, vehemently opposed the prayer and submissions made by the counsel opposite.

4. Learned counsel for the complainant has submitted that a perusal of the allegations levelled in the FIR, which has been annexed as Annexure P-1, clearly indicates that it was a pre-mediated attack carried out by the accused; the petitioner was armed with a lethal weapon i.e. sword with which he inflicted a blow on the right side of the neck of Satnam Singh, who was merely trying to save the complainant from being attacked by the co-accused with their lethal weapons. It has also been submitted by the learned counsel that though the opinion of the doctor is still awaited, however, the manner in which the accused including the petitioner had gathered in an unlawfully assembly and collectively launched a brutal and well-planned attack on the complainant party including inflicting injuries at sensitive parts of the body such as neck of Satnam Singh, the ingredients of an offence under Section 307 IPC were *prima facie* attracted in the present case, disentitling the petitioner from being extended the concession of anticipatory bail.

5. Learned State counsel has also sought the dismissal of the present petition on the ground that not only was the petitioner was an active participant in the crime in question, but a wrong averment had been made on the last date of hearing that the petitioner had been attributed a



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simple injury. It has been further submitted by the State counsel that although the petitioner did join investigation in compliance of order dated 21.06.2024, however, since he had failed to cooperate with the investigating agency, his custodial interrogation was required.

6. Heard learned counsel for the parties and perused the relevant material available on record.

7. In the facts and circumstances as enumerated hereinabove especially in view of the specific and grave allegations against the petitioner of having inflicted sword injury at a vital part of the body i.e. neck of Satnam Singh, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

8. 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.

23.07.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No