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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31311-2024
Date of Decision : 21.08.2024

Manpreet Singh @ Peeta

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. L.S. Sidhu, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J.(Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner, in case FIR No.19 dated 15.05.2024, under Sections 324, 323, 34 IPC (offence under Section 326 IPC has been enhanced vide DDR No. 16 dated 28.05.2024) registered at Police Station Jaurkian, District Mansa.

2. Succinct factual narrative relevant for the disposal of the instant petition is that on 09.05.2024 at about 03:30 p.m., a fight took place between Harjinder Singh (complainant) and Sukhmander Singh (accused) regarding a dispute pertaining to a part of land measuring one kanal. Harjinder Singh/complainant, his brother Jasvir Singh @ Kala and mother Balwant Kaur were standing in the street. Sukhmander Singh, empty handed, his son Sewak Singh, armed with dang and his other son Gurpreet Singh (petitioner), armed with

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gandasa came out of their house and Sukhmander Singh raised lalkara. Sewak Singh hit a dang blow on the backside of the head of Harjinder Singh/complainant, Gurpreet Singh gave gandasa blow which hit on the fingers of right hand of Harjinder Singh (complainant) due to which the complainant fell down on the ground. Then Sukhmander Singh gave kick blows on his stomach and left thigh. When Jasvir Singh @ Kala and Balwant Kaur tried to intervene, the assailants inflicted injuries upon them as well. When people started gathering on the spot, assailants went back to their house along with their weapons. Complainant party was admitted to Government Hospital, Sardulgarh. On 10.05.2024, the complainant was referred to Government Hospital, Mansa for further treatment.

3. Learned counsel for the petitioner submits that it is a case of version and cross version with regard to a dispute over a piece of land and it is debatable point as to which party had acted as aggressor. Learned counsel further submits that there is a delay of three days in recording the statement and both the parties have received injuries.

4. Per contra, learned State counsel has stated that there are serious allegations against the petitioner and has referred to the status report that had been filed in the Court.

5. As per the status report, it has been stated that injuries sustained by injured Harjinder Singh i.e. injury No. 2, 3, 4 and 5 were declared to be simple in nature, whereas, injury No. 1 was declared to be grievous in nature. However, all the injuries sustained by rest of the injured persons were declared to be simple in nature. It has been further stated that on the basis of injury inflicted by the petitioner, Section 326 IPC was added in the present case/FIR vide DDR No. 16 dated 28.05.2016.

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5. I have heard the rival submissions made by learned counsel for the parties and perused the record.

6. A perusal of the records reveal that there are serious allegations against the petitioner that he is the direct participant in the crime. Injury No. 1 on the person of Harjinder Singh which was caused by gandasa and has been declared grievous in nature is attributed to the petitioner. To unearth the true dimensions of the alleged crime, the police requires custodial interrogation of the petitioner in this case.

7. In view of the aforementioned facts and circumstances of the case as well as submissions made by counsel for the State, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

8. Accordingly, the petition is dismissed.

21.08.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No