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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35021-2024
Date of Decision : 13.08.2024

Harcharan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Harpreet Singh Multani, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

Mr. Sandeep Khunger, Advocate and
Mr. Saksham Khunger, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

Prayer in the present petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner, in
case FIR No.62 dated 21.06.2024, under Sections 326, 325, 323, 34 IPC registered
at Police Station Kabarwala.

2. Learned counsel for the petitioner submits that the present FIR was
registered after delay of 10 days which is not explained. Even as per the FIR, the
injury attributed to the petitioner is with iron rod on the left leg above the knee,
which falls within the ambit of Section 325 IPC, which is bailable. There are two
contradictory medical opinions i.e. dated 11.06.2024 and 18.06.2024 and even the
complainant has completely changed his initial version in his supplementary

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statement dated 04.07.2024. All these factors points towards the injuries of the complainant can be inflicted by himself. There is only one injury, which invokes 326 IPC, which has been added in view of the subsequent medical opinion and as per the version in the FIR the same is not attributed to the petitioner.

3. As per the status report filed by learned State counsel, it has been stated that the FIR in question was registered against the petitioner and some unknown persons, on the statement of Jarnail Singh son of Malook Singh, with the allegations that the accused persons caused injuries to the complainant Jarnail Singh. It was stated by the complainant that on 11.06.2024 at 8-9 a.m., the complainant went to his land/fields for bringing fodder and when he was about to switch on the motor, then the accused Harcharan Singh armed with iron rod alongwith unknown persons, who were also armed with weapons, came there and caused injuries to the complainant. The petitioner and co-accused caused four injuries (including two grievous injuries) to the complainant. Injury No. 3 (which is grievous) was caused with kirpan and is attributed to the petitioner and he had actively participated in the commission of crime.

4. Learned counsel for the complainant has vehemently argued that there are serious injuries attributed to the petitioner, therefore, he is not entitled for the concession of anticipatory bail.

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

6. A perusal of the record shows that as per MLR, the complainant Jarnail Singh has suffered as many as four injuries, out of which injury No. 2 and 3 were declared to be grievous in nature. As per copy of the MLR that has been



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“After receiving the MLX 115 from CH Malout, dated 11.06.2024, injury No.3 is punctured wound, but due to clerical mistake, it was written as functured wound. Another clerical mistake was that that injury No.3 was given as blunt but kind of weapon used for injury No.3 is sharp. Injury No.2 and 3 are declared grievous in nature and injury No.1 and 4 are simple in nature.”

7. In view of the above, without adverting anything on the merits of the case, this Court is of the considered opinion that in order to unearth the true dimensions of the alleged crime, the police requires custodial interrogation of the petitioner in this case. Hence, the petitioner is not entitled for the concession of anticipatory bail and, accordingly, the petition is dismissed.

13.08.2024

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(KIRTI SINGH)
JUDGE

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