

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37632-2023 (O&M)
Date of decision : 19.1.2024

Bhagwant Singh
... Petitioner

VERSUS

State of Punjab
... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Mandeep Singh, Advocate, for
Mr. Vishal Mittal, Advocate,
for the petitioner.

Mr. G.S.Bawa, Advocate for
Mr. Ramandeep, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.31 dated 14.4.2023 registered under Sections 307, 324, 323, 506, 341, 148 and 149 IPC at Police Station Ghagga, District Patiala.

- 2. Notice of motion.
- 3. Mr. Jaiteshwar S. Bhandari, AAG, Punjab accepts notice on behalf of the State while Mr. Ramandeep, Advocate has put in appearance on behalf of the complainant. State counsel who was having advance copy of the petition, submits that status report by way of affidavit of Daljit Singh Virk, DSP, Sub Division, Patran is already filed on behalf of the State.
- 4. As per allegations appearing on record, the petitioner and other accused persons caused injuries to complainant-Haswinder Singh on

13.4.2023 and at that time, the petitioner gave injury on the head of the complainant with the help of sword, which as per the doctor, could be dangerous to life.

5. Counsel for the petitioner submits that the petitioner has been falsely implicated in this case; that actually other party caused grievous injuries to the petitioner and the injuries suffered by the petitioner are detailed in the status report filed on behalf of the State. Counsel for the petitioner further submits that the present case involves version as well as cross-version and the aggressor party will be ascertained during the trial and that the petitioner is ready to join the investigation with the police.

6. Present petition is resisted by the State counsel as well as counsel for the complainant. Both of them have submitted that there are specific allegations against the petitioner, as per which, the petitioner caused head injury with the help of sword on the person of the complainant. It is further submitted that as per cross version, Sandip Singh son of complainant-Haswinder Singh caused grievous injuries to the present petitioner with the help of datar. State counsel on instructions from ASI Khem Chand further submits that during investigation, it was found that aforesaid Sandip Singh was not present in the village at the time of the alleged occurrence and accordingly, he was found innocent. State counsel further submits that thus, making it clear that the cross version as projected by the petitioner is found to be false. It is further submitted that the petitioner is required by the police for proper investigation of the case.

7. I have considered the submissions made by the counsel for the parties.

8. As per the State counsel, who is having instructions from ASI

Khem Chand, cross version, as per which, Sandip Singh son of complainant-Haswinder Singh caused grievous injuries to the petitioner with the help of datar, is found to be not true and consequently, son of the complainant namely Sandip Singh is found innocent. It being so, the petitioner cannot take any benefit of the alleged cross version.

9. As there are specific allegations against the petitioner that he caused head injury to complainant-Haswinder Singh with the help of sword and further, recovery of the weapon used by the petitioner is yet to be effected, custodial interrogation of the petitioner is necessary for proper and effective investigation of the case.

10. In view of above, the present petition is hereby dismissed being devoid of merits. However, observations, if any, made hereinabove are not to be construed as expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

January 19, 2024
Paritosh Kumar

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