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

CRM-M-39115-2024

Date of Decision:-28.08.2024

AMRIK SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Shivroop Singh Dhaliwal, Advocate, for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

Mr. J.S. Grewal, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of affidavit dated 23.08.2024 of Deputy Superintendent of Police, Abohar (Rural), District Fazilka, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. Mr. J.S. Grewal, Advocate has appeared on behalf of the complainant and filed Power of Attorney. The same is taken on record.

3. Heard.

4. By way of the present petition filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under:-

FIR No.	Dated	Sections	Police Station
32	03.06.2024	323, 324 and 34 IPC (326 IPC added later on)	Sadar, Abohar District Fazilka

5. Brief facts of the case are that the instant FIR was registered on the statement of Randhir Singh stating that on 02.06.2024 he along with his



brother Gurmail Singh and son Hardeep Singh were present in their fields with Binder and one labourer building a room on solar bore, then Ramandeep Singh armed with Kahara, Amritpal Singh armed with Gandasi and Amrik Singh armed with Tamba and Dilbag Singh came there on tractor and Amrik Singh raised lalkara to teach them lesson, while Ramandeep Singh came down from the tractor and attacked complainant with Kahara which hit on the wrist of his left hand, Amritpal Singh gave gandasa blow which hit near the elbow of his left arm, Amrik Singh gave Tamba blow which hit his head and Dilbag Singh gave gandasa blow which hit his left arm near the elbow and during this occurrence 5/6 unknown supporters of the village of the petitioner also came there armed with weapons and gave beatings to his son and brother. Complainant was shifted to the hospital. Hence the FIR.

6. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on account of land dispute between the parties. He contends that no specific role has been attributed to the petitioner and the petitioner is ready to join the investigation. Hence he prays for grant of concession of anticipatory bail to the petitioner.

7. *Per contra*, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have assailed these arguments by submitting that as per the MLR there are three injuries on the person of the complainant, the injury no.1 was declared as grievous and offence under Section 326 IPC was added in the FIR vide DDR No. 33 dated 12.06.2024. They submit that petitioner actively participated in the occurrence and was specifically named in the FIR. The injury



attributed to the petitioner caused by tamba is greivous and recovery of weapon used in the occurrence is yet to be effected from the petitioner as such, petitioner does not deserve concession of bail. Hence they prayed for dismissal of the present petition.

8. After considering the arguments and perusing the record, it transpires that the instant FIR has been registered by Randhir Singh-complainant on the allegations that on 02.06.2024 he along with his brother and son were present in their land then the accused armed with deadly weapons came there and injured them. As per the MLR three injuries on the person of the complainant and out of that the injury no.1 was declared as grievous and offence under Section 326 IPC was added in the FIR vide DDR No. 33 dated 12.06.2024. The petitioner has actively participated in the crime and was specifically named in the FIR and the injury attributed to the petitioner is greivous. The recovery of weapon used in the occurrence is yet to be effected from the petitioner for which custodial interrogation of the petitioner is required.

9. Therefore, considering the gravity and nature of offence custodial interrogation of the petitioner is required for effecting recovery of the weapon used in the crime, as a consequent, no case is made out in favour of petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

28.08.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No