



CRM-M-42764-2024

1

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

102

CRM-M-42764-2024

Date of Decision: 02.09.2024

SANDEEP KUMAR

...Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

GURBIR SINGH, J (ORAL)

1. This petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case bearing FIR No. 24 dated 20.03.2024 under Sections 323, 324, 326, 148, 149 IPC registered at Police Station Division No.4, Jalandhar.

2. The case in question is registered on the statement of Vinod Joshi. As per statement on 16.03.2024 at about 6.30 P.M, he along-with Varun Rajput alongwith Laddu was sitting in the parking lot when Sandeep, Jawesh Gill, Sahil Gill, Dipu and Sajan alongwith 2-3 more persons came there. Sandeep was armed with iron datar and Jawesh Gill was armed with baseball while Sahib Gill was armed with empty bottle, Dipu armed with stick and Sajan armed with small wooden stick, who came straightway towards the complainant. At the same time, Varun Rajput was also coming towards him.

Firstly, Jawesh Gill attacked Varun Rajput with baseball and other persons



attacked him with sticks. When the complainant went forward to save him, then Sandeep gave a blow of *datar* on the head of complainant, which hit at backside of his head and Jawesh Gill gave a blow of baseball which hit on his back. Thereafter, Sandeep gave a *datar* blow to him which hit him, on the knee of his left leg and Sahil Gill gave a blow with empty bottle, which hit on his left shoulder. Dipu and Sajan also gave beatings to him with the sticks held by them in their hands, as a result of which a lot of blood started oozing out of complainant's head. He fell down and they gave him more beatings. Varun Rajput also suffered injuries. The motive behind the incident is that Chintu extended help in getting parking contract to Surinder and thereafter, Chintu had given the parking contract to the complainant and Varun Rajput.

3. Learned counsel for the petitioner has argued that there is a delay of 4 days in lodging the FIR. Chintu had no right to give parking contract to any person. He is ready to join investigation. He further submits that co-accused Deepak Kumar has already been granted anticipatory bail by the Court of Sessions Judge, Jalandhar vide order dated 06.08.2024. The petitioner is also entitled for grant of anticipatory bail.

4. Learned State counsel has opposed the bail to the petitioner and submits that petitioner was armed with *datar* and he *inter-alia* gave injury with *datar* on the complainant's head which was later on, found to be grievous in nature. The injured was immediately admitted in the hospital and he was not fit to make the statement so, there is delay in lodging the FIR.

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

**CRM-M-42764-2024****3**

6. The allegations against the petitioner are very serious. He along with other accused caused injuries to the complainant and another. Petitioner was armed with *datar*. He gave injury with *datar* on the complainant's head, which is a vital part of the body and such injury was declared to be grievous in nature. At the time of grant of anticipatory bail, the Court is required to consider factors such as nature and gravity of the offence. The role attributed to the petitioner and peculiar facts of the case. The injuries have been given with regard to dispute regarding parking lot. The injury attributed to the petitioner is on the head which is a vital part of the body and grievous in nature so custodial interrogation of the petitioner is required.

7. Keeping in view the seriousness of the injury, the present petition stands dismissed.

02.09.2024*renu***(GURBIR SINGH)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No