

AVTAR SINGH

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. B.S. Aulakh, Advocate, for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 of Cr.P.C, the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
44	24.06.2024	307, 323, 324, 506, 148, 149 and 326 IPC (added later on)	Cheema, District Sangrur

2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that as per the allegations in the FIR the petitioner is alleged to have given kirpan blow on the back side of the head of the injured. He



contends that the injury alleged by the police is found to be simple in nature and hence prayed for grant of anticipatory bail to the petitioner.

4. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the injury caused by the petitioner with kirpan happens to be on vital part of the body and the recovery of weapon is yet to be effected from the petitioner for which custodial interrogation of the petitioner required, hence prayed for dismissal of the petition.

5. After considering the arguments and perusing the record, it is observed that the instant FIR was registered on the basis of complaint made by Charanjit Kaur to the effect that her son had earlier sustained injury on his foot and due to this she followed him, per usual practice, on his walks. On 23.06.2024 when they reached Hardam Chowk at about 08:00 AM then 4-5 motorcycles came and the riders were holding Kirpan, Kirch, Dang and Sticks and on the lalkara being raised by accused Mukhi the assailants attacked her son with their respective weapons. She had categorically mentioned the injuries caused by the respective assailants. Thereafter, injured were shifted to the hospital and FIR was registered. It also transpired that the petitioner had been named as Deep Singh @ Deep Singh (as per status) in the FIR but after verification his name was revealed as Avtar Singh (the present petitioner) to whom the specific injury has been attributed to have caused by kirpan blow on the back side of the head of the son of the complainant. No doubt the injury is stated to be simple in nature but it is caused by sharp edged weapon on the vital part of the body, therefore, the petitioner is not held entitled for the concession of

extraordinary relief of anticipatory bail, moreover his custodial interrogation is required to recover the weapon used in the crime. Therefore, considering the nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

22.10.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No