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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-46720-2024
Date of Decision:-05.12.2024

NIRANJAN SINGH ALIAS SOHAL SINGH

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Raman Kumar, Advocate for the Petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) 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
27	12.04.2024	379-B, 341, 324, 148, 149 IPC (326 IPC added later on)	City Bajakhana, District Faridkot

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 submits that the petitioner has been implicated on account of family grudge between his family and family of the complainant and in this regard has



referred to Annexure P-2. He contends that co-accused have already been granted concession of bail vide order Annexure P-6 and P-7 passed by learned Sessions Court, 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 arguing that petitioner was specifically involved in this case on account of having given Kapa blow (sharp edged weapon) on the head of the victim and snatched the chain from the complainant. He contends that the petitioner cannot take benefit of bail granted to the co-accused against whom no specific allegations regarding any injury were attributed. He submits that custodial interrogation of the petitioner is required for effecting the recovery of weapon of offence and also the chain of the complainant. Hence prayed for dismissal of the bail petition.

5. After considering the arguments and perusing the record, it transpires that the present FIR was registered on the statement of the complainant victim Gurpreet Singh @ Laddi stating that on 10.04.2024 while he was going from Jaito road to village Ran Singh Wala then at about 08:15 PM the petitioner armed with Kapa accompanied by other persons were standing near the medical shop of Lakha, the complainant was stopped by them and the petitioner alongwith other co-accused had snatched the silver chain from his neck and when the complainant tried to escape, the petitioner raised lalkara on which Sewak Singh gave him kirpan blow which hit on his left wrist, then Sohal Singh gave him kappa blow which hit on the left side of his head and Shinda Singh gave baseball bat blow which hit on



the left side of his chest, then Sandip Singh @ Mand gave gandasa blow which hit on the left side of his back, Gopi gave kirch blow on his back, Hussandeep Singh gave kirch blow on the left side of his back, Lovepreet Singh @ Labh gave beatings with danda, injured was shifted to the hospital and FIR was registered.

6. The motive behind the occurrence was that the complainant had taken a loan of ₹1000/- from the petitioner due to which he had been threatening him of dire consequences, leading to the incident. In the occurrence, the complainant suffered six injuries on his person with injury attributed to the petitioner being caused with sharp edged weapon on the left side of the head which is a vital part of the body. There has been specific allegations against the petitioner of having caused such injury with the help of kappa. The recovery of weapon is yet to be effected for which custodial interrogation of the petitioner is required. Therefore, considering the serious nature and gravity of offence, custodial interrogation of the petitioner is required for recovery of weapon used in the occurrence, as such, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

05.12.2024

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