

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M-56738-2023
Date of decision: 10.01.2024

Sukhpal SinghPetitioner

Versus

State of PunjabRespondent

2. CRM-M-56835-2023
Date of decision: 10.01.2024

Varinder SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amandeep Singh Saini, Advocate
for the petitioners.

Mr. Arun Luthra, DAG, Punjab.

Mr. Rajesh Bhatheja, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.166 dated 02.08.2023 under Sections 379-B, 341 of the IPC (Section 201 of the IPC added lateron) registered at Police Station Dharamkot, District Moga.

2. Learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer made by learned counsel for the petitioners for extending the extraordinary concession

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of anticipatory bail to them. It has been submitted by learned State counsel, on instructions from ASI Jarnail Singh, that the petitioners, who were carrying lethal weapons with them on the fateful day after waylaying complainant Amritpal and Sikander Singh, not only inflicted 05 and 03 injuries respectively on their person but also forcibly snatched cash as well as a silver chain which the complainant was wearing at the fateful time. On account of the injuries sustained, Amritpal and Sikander Singh had to be hospitalized and suffered fractures, as well, on their person. Learned State counsel has also informed the Court that during the pendency of the instant petition offences under Sections 325, 323, 148, 149 of the IPC have been added.

3. Learned State counsel assisted by learned counsel for the complainant have thus prayed for dismissal of the instant petition in view of the nature and gravity of the offences alleged and the role played by both the petitioners.

4. Learned counsel for the petitioners has, however, controverted the submissions made by the counsel opposite and reiterated that it was in retaliation of an FIR which had been registered against the complainant at the instance of petitioner-Varinder Singh's brother that a fabricated case had been planted upon them.

5. Prima facie, the petitioners seem to be involved in the offences in question and the injuries sustained by the complainant as well as injured Sikander Singh, cannot be said to be self inflicted injuries. In the circumstances, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioners.

6. Accordingly, both the petitions stand dismissed.

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7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.01.2024 (MANJARI NEHRU KAUL)
Vinay JUDGE

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