

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.58149 of 2023
Date of decision: 11th January, 2024

Akashdeep @ Akashdeep Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ashish Pal Kaushal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.122 dated 11.08.2023 under Sections 452, 323, 324, 341, 506, 34 IPC registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand for having inflicted injuries on the complainant with a Datar. He submits that the injury attributed to the petitioner is not grievous but was opined to be simple in nature and hence, it lends credence to a fabricated and exaggerated version having been brought forth against the petitioner, more so, since there was a delay in the lodging of the FIR in question. Learned counsel has submitted that in the aforementioned facts and

circumstances since no recovery was to be effected from the petitioner, his custodial interrogation would not be required, coupled with the fact that it was, as per the admitted case of the complainant, just a couple of hours prior to the alleged occurrence, the petitioner along with the co-accused had partied with the complainant on the occasion of the latter's birthday.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the FIR which has been annexed as Annexure P-1.

4. As per the allegations levelled by the complainant, the petitioner along with the co-accused had been invited by him for his birthday party on 31.07.2023. After the party ended, the complainant went back to sleep in his room. Soon thereafter, the petitioner along with the co-accused landed at his room and sent a message that there was some urgent matter to be talked. When the complainant came out of his room, the accused including the petitioner who were standing outside armed with lethal weapons, attacked the complainant as a result of which he sustained the following injuries:

- (i) Incised wound of approx. 7x0.1x0.3 cms on the left parietal region of head. Adv. Sx opinion.
- (ii) Incised wound approx at the left anterior superior iliac crest of approx 2x0.1x0.1 cms.

- (iii) Lacerated wound on the left wrist ulnar side of approx 2x0.1x0.3 cms.
- (iv) Lacerated wound on distal phalanx of index finger of right hand of approx 1x0.1x0.2 cms. Adv. Ortho opinion
- (v) Incised wound of approx 4x0.2x0.3 cm on the occipital region of head. Adv. SX opinion.
- (vi) Lacerated wound approx 3x0.1x0.3 cms (depth) with the underlying swelling of approx 3x3 cms at the occipital region of head. Adv. Surgical opinion.
- (vii) Lacerated wound of approx 5x0.1x0.4 cms on the right parieto occipital region of head. Adv. Surgical opinion.
- (viii) Incised wound approx 3x0.1x0.3 cms on the left parietal region of head. Adv. Sx opinion.
- (ix) Incised wound of approx 2x0.3x0.3 cms on the left shin upper one third.

5. The petitioner was allegedly armed with a Datar, which is a sharp edged weapon and he has been attributed injuries on the left hand, backside of the head, little finger of the right hand and left leg of the complainant with a Datar. He also suffered fracture of his occipital bone. Prima facie, it comes across as being a premeditated attack. The injuries allegedly suffered by the injured are also on some vital parts of his body, which cannot be said to be with a friendly hand.

6. In the facts and circumstances as enumerated hereinabove and the nature of allegations levelled, the petitioner does not deserve to be extended the extraordinary concession of bail. The petition stands dismissed.

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.

(MANJARI NEHRU KAUL)
JUDGE

January 11, 2024
rps

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