

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

**CRM-M No.61387 of 2023  
Date of decision: 24.01.2024**

**LOVEPREET SINGH @ LADDI @ LOVEPREET CHAUHAN**  
.... Petitioner  
**Versus**  
**STATE OF PUNJAB**  
.... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr. J.S. Jaidka, Advocate for the petitioner.  
Mr. Parneet Singh Pandher, A.A.G, Punjab.

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**MANISHA BATRA, J. (oral)**

1. The petitioner is seeking anticipatory bail in case bearing GD No.52 dated 18.05.2023 registered under Sections 307, 323, 324, 506, 148 and 149 of IPC at Police Station Division No.7, District Ludhinana (Annexure P-2) which is a cross case of FIR No.215 dated 17.05.2023 registered under Sections 307, 323, 324, 354, 506 and 341 read with 34 of IPC at the same Police Station on the basis of complaint filed by the present petitioner himself.
2. The abovementioned GD had been registered against him on the basis of statement recorded by the complainant-Gurmeet Kaur alleging therein that on 15.05.2023 at about 9:30 pm, her son Bhupinder Singh @ Bhinda noticed that the present petitioner along with 10-12 youths and some females was standing in the street in front of his house. He requested them not to stand there but hearing this, the co-accused-Bhupinder Singh, the present petitioner and the other persons started hurling abuses to the son of the complainant due to which, he came back home. She further alleged that 10 minutes thereafter,

the petitioner and the other co-accused by forming membership of an unlawful assembly entered inside her house by opening the gate. They were armed with weapons. The accused Harwinder Singh @ Harry opened an assault upon her son- Ajit Singh @ Bhajji by striking a blow with dattar with an intention to kill him thereby, injuring his left hand and chopping of his wrist. Another blow was given by him on his head due to which he fell down after becoming unconscious but still the accused Harwinder Singh @ Harry kept on hitting him. She further alleged that the petitioner struck a blow with sword on her right hand thereby injuring three fingers of her hand. The co-accused Sandeep and others also caused injuries to his son- Bhupinder Singh @ Bhinda. While retreating, all of them extended threats to kill them. Therefore, she prayed for taking action against the culprits. After registration of the GD which is the in form of a cross FIR as the present petitioner had already got registered an FIR against the complainant party, investigation proceedings have initiated and are going on.

3. Vide order dated 07.12.2023, the petitioner was directed to join the investigation. Status report has been filed by the State as per which, he has joined the same on 12.12.2023. However, as per this report and further on a perusal of medico-legal report of the complainant-Gurmeet Kaur, it is revealed that three fingers of her right hand had been chopped to the extent of 100% due to the reason that the present petitioner had struck of blow with sword on her hand. The co-accused are also alleged to have caused serious injuries to the other injured namely, Bhupinder Singh and Ajit Singh which are opined to be grievous in nature. The petitioner and other co-accused have also been booked for commissioner of offence punishable under Section 326 of IPC.

5. It is submitted by learned counsel for the petitioner that since the petitioner has already joined the investigation, therefore, no useful purpose would be served by detaining him in custody. He has further argued that the petitioner had also been injured in the incident and had sustained serious injuries and it was on his complaint that FIR was registered prior to the GD as lodged by the complainant of this case. It is therefore, argued that the petitioner deserves to be given benefit of pre-arrest bail.

6. *Per contra*, learned State counsel has argued that there are serious allegations against the petitioner as by forming membership of an unlawful assembly, with the co-accused, he criminally trespassed into the house of complainant and in prosecution of common object of that unlawful assembly, caused serious injuries to the complainant to the extent that her three fingers of her hand had been totally chopped. It is also submitted that the weapon of the offence has since not been recovered from the petitioner and his custodial interrogation is still required. Accordingly, it is submitted that the petition does not deserve to be allowed.

7. I have heard learned counsel for the parties at considerable length and have gone through the record.

8. The petitioner along with co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that assembly, he is alleged to have entered into the house of the complainant and have caused serious injury to her thereby, chopping of three fingers of her hand. He has been booked for commission of serious offences. The weapon of offence i.e. sword is yet to be recovered from him. It is well settled proposition of law that the powers under Section 438 of Cr.P.C. are to be exercised in extraordinary and sparing circumstances and not in a routine manner. The

grant or refusal of such bail depends upon the variety of circumstances, the cumulative effect of which, should enter the judicial verdict. The High Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. Merely because the custodial interrogation of an accused is not required, is not a ground to extend benefit of anticipatory bail to him and that foremost duty for a Court hearing an anticipatory bail application is to consider that a prima face case is put up against the accused along with the nature of the offence alleged. In my opinion, the possibility of conducting further thorough investigation and elucidating relevant information by the investigating agency would be reduced if the discretionary relief of pre arrest bail is extended to the petitioner especially taking into consideration the specific role attributed to him to the effect that he struck a blow with the sword on the person of Gurmeet Kaur thereby, chopping of her three fingers completely and as such he is not entitled to concession of anticipatory bail.

9. In the light of the aforesaid reasons and without commenting further on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for pre-arrest bail filed by the petitioner is hereby dismissed as such in the obtaining circumstances of the case.

24.01.2024  
Jyoti-IV

(MANISHA BATRA)  
JUDGE

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