

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211

CRM-M-65039-2023 (O&M)
Date of Decision:- 06.02.2024

AMANDEEP SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Sartaj Singh Thakur Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, DAG Punjab.

Mr. A.P.S. Rehan, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 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
115	16.06.2023	323, 324, 326, 307, 506, 148, 149 IPC	Mukerian, District Hoshiarpur

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner, serving in Army, is innocent and was not present at the time of occurrence. He submits that there is a delay of 5 days in lodging of the FIR and the fact that the treatment was taken by the injured at

Amandeep Hospital, Amritsar, which is 100 Kms away from the place of occurrence, creates doubt regarding the genuineness of the prosecution case.

He submits that co-accused Gurvinder Singh @ Dhanna, Ricky Thakur @ Manjit Pathania and Atul Sharma have since been granted the concession of bail (Annexures P-3 to P-5 respectively) and as such, he prays for grant of anticipatory bail to the petitioner as well.

3. *Per contra*, learned State counsel submits that the petitioner does not deserve the concession of anticipatory bail as he has committed a heinous crime. He has submitted that as per the allegations, the petitioner had given *datar* blow to the complainant, which hit the complainant on left hand wrist, leading to amputation. He has submitted that custodial interrogation of the petitioner is required and as such prayed for dismissal of the petition.

4. After considering the rival contentions and perusing the record, it transpires that the case put forth by the prosecution is that on 11.06.2023 at around 06:20 PM, Parveen Kumar-complainant was returning to his home after getting milk, when he reached opposite to Government School of the village, he saw petitioner-Amandeep Singh armed with *datar*, Gurvinder Singh @ Dhanna armed with *Kirpan*, Ricky Thakur @ Manjit Pathania armed with Rod along with three other unknown persons abusing one Jaspal Singh, who were stopped from doing so by the complainant, therefore, with the intention to kill him, the above said assailants attacked the complainant and injured him. On raising alarm by the complainant, the said assailants ran away from the spot with their weapons. The complainant was thereafter got

admitted in Amandeep Hospital, Amritsar and thereafter the present FIR was registered.

5. It is not disputed that the complainant was shifted to Amandeep Hospital Amritsar for treatment. It is evident from the injury report (Annexure P-6) that the complainant sustained six injuries in the occurrence. Injury Nos.1 and 2 caused incised wounds on the left wrist and hand, which were declared grievous in nature. The injury No.1, attributed to the petitioner, having been caused with *datar* (sharp-edged weapon) on the left wrist ulnar side, causing partial amputation with multiple tendons and neurovascular injury. The occurrence took place in Mukerian, a small town, and the aforesaid hospital being a Multi-speciality Hospital, shifting of the injured-complainant to this place for better medical treatment, will not create any doubt regarding the genuineness of the version.

6. So far as the bail granted to the other co-accused is concerned, it transpires that Annexures P-3 and P-5 pertaining to accused Gurvinder Singh @ Dhanna and Atul Sharma (respectively), would reveal that the same are regular bails, whereas the petitioner is seeking anticipatory bail and as such has no parity with the same. Moreover, co-accused Atul Sharma, who was granted bail vide order dated 06.11.2023 (Annexure P-5) was attributed only a kick blow, whereas the petitioner is attributed *datar* blow leading to amputation and he cannot be considered on the same footing.

7. Therefore, considering the serious nature and gravity of offence, custodial interrogation of petitioner is required and it is observed that no case is made out in favour of the petitioner for grant of anticipatory

bail, as a consequent, the petition is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

06.02.2024
S.Sharma(syr)

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