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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision:-20.01.2025

1.

CRM-M-53550-2024

JATINDER SINGH @ MAKKA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent
2.

CRM-M-53605-2024

BALKAR SINGH @ GHUGGI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Jasneet Mehra, Advocate for
Mr. L.M.Gulati, Advocate for the petitioners in both the cases.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Both the anticipatory bail petitions arising out of the same FIR are taken up together for disposal.

2. By way of the present petitions filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) the petitioners are praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0099	23.05.2023	326, 324, 341, 506, 34 IPC	Ajnala, District Amritsar Rural



3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent, and have been falsely implicated in this case. She contends that no specific overt act is attributed to the petitioners and moreover there is unexplained delay of 43 days in lodging of the FIR which has not been explained by the prosecution. She contends that petitioners are ready to join the investigation. Hence prayed for grant of concession of anticipatory bail to the petitioners.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petitions by arguing that the petitioners are not entitled to concession of bail as they are alleged to have caused injuries to the complainant with datar (a sharp edged weapon) on the vital parts of the body, that is head region. He contends that injury attributed to the petitioners is on the head and on the back of ear caused with datar and recovery of weapon used by the petitioners is yet to be effected. Hence prayed for dismissal of the anticipatory bail petitions.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint of Gurwinder Singh alleging that on 10.04.2023 at about 9:30 pm he had gone to help his friend Sahib Singh near village Sarai where his scooter had broken down, along with his relative Rojdeep Singh and Jashandeep Singh on their activa scooter. When they reached near the house of Harbans Singh then the accused stopped them and one of the accused Balkar Singh took away keys of scooter and after some time Balkar Singh, Jatinder Singh alias



Makka, Manga all armed with Datar, came there and on being lalkara being raised by Aju they attacked the complainant and caused multiple injuries. The injured were shifted to the hospital. A perusal of record would reveal that there has been specific attribution to the petitioners in the FIR itself and as per the case of the prosecution the petitioner Balkar Singh has given injury no.1 with datar on the head of the complainant which is found to be grievous in nature, whereas petitioner Jatinder Singh is alleged to have given injury No.2 on the back of right ear with datar.

7. It is evident therefrom that both the petitioners have inflicted injuries on the head region of the complainant with sharp edged weapon and one of the injury has been found to be grievous in nature. Therefore, considering the serious nature and gravity of offence, and also the fact that custodial interrogation of the petitioners is required for effecting recovery of weapon of offence, as such, no case is made out in favour of the petitioners for grant of anticipatory bail in the present petitions, the same are hereby dismissed.

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

9. Photo-copy of this order be placed on the connected file.

(SANJIV BERRY)
JUDGE

20.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |