

Kunal Singh @ Kunal Vs. State of Punjab

Present: Shri R.S.Goraya, Advocate, counsel for the applicant.
Shri Vikram Kashyap, Addl. Public Prosecutor for the State,
with ASI Raj Masih.

1. The applicant/accused Kunal Singh @ Kunal son of Lakhwinder Pal has sought pre-arrest bail in case arising out of FIR No. 146 dated 13.07.2023 under Sections 307,326,427,341,506,148,149 IPC, Police Station City Gurdaspur.

2. Heard. As per allegations in the FIR, on 12.07.2023 at about 3:40 p.m. when victim Rajan had come out of a Saloon situated near Kuldeep Gun House, G.T. Road, Gurdaspur and was about to get into his car, one Bolero vehicle bearing registration No. PB-03-AF-9551 came from the back side and the same hit into his car. Rohit @ Thanki, Preet, Abhi son of Shiv Kumar, applicant Kunal, Thhangal and 2/3 other persons, who were armed with baseball bats, dattars etc. came out of the said vehicle. Rajan had rushed inside the street to save himself from them but they caused injuries to him. They even damaged the car of the victim. The police has recorded the statement of victim Rajan also, who has given the details of the occurrence. The victim firstly got treatment from a private hospital and later on he was taken to Civil Hospital, Gurdaspur where his medico legal examination was conducted. As per the medico legal report, 8 injuries were found on the person of the victim. Out of those injuries, two injuries were on the head and remaining injuries are on various parts of the body.

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3. So far as applicant is concerned, the victim has stated that applicant was armed with kirch and he gave kirch blow on his left hand, which partially cut two fingers of his left hand. As per medico legal report, injuries no.4 and 5 are on the fingers of the left hand of the victim and the same are as mentioned below:-

4. A stitched wound of 5 cm bearing 6 stitches present over back of left hand medial aspect extending towards base of little finger.
5. Stitched wound of size 4.5 cm bearing 6 stitches over medial aspect of left hand ring finger.

4. The learned counsel for the applicant has argued that as per FIR the occurrence had taken place on 13.07.2023 but as per medico legal report there was history of assault on 12.07.2023. He has argued that the Medical Officer has not declared the nature of the injuries so far. It is mentioned in the MLR that the nature of the injuries will be declared by the treating doctor. The FIR was originally registered under Sections 326,427,341,506,148,149 IPC. The police has invoked the provisions of Section 307 IPC at a later stage. There is no medical evidence that any of the injuries was dangerous to life or grievous in nature and, therefore, provisions of Section 307 IPC do not apply to the facts of this case. He has further argued that in the FIR allegations against the applicant are general and there is no specific allegation regarding causing of any injury by him. He further argued that injured has been discharged from the

hospital after 3-4 days. He has prayed for grant of anticipatory bail to the accused/applicant.

5. On the other hand, learned Addl. Public Prosecutor has argued that allegations against the accused/applicant are quite serious. He was member of an unlawful assembly which caused injuries to the victim. The accused/applicant actively participated in the occurrence. He has argued that in view of the gravity of allegations, anticipatory bail should not be granted to the accused/applicant.

6. After giving anxious thoughts to the rival contentions and going through the record of the case, this Court is of the considered view that instant case is not fit for grant of anticipatory bail to the accused/applicant. From the facts of this case it is made out that on 12.07.2023 at about 3:40 p.m. applicant and his companions assaulted the victim at a public place in broad day light. The applicant was armed with kirch whereas the other accused were also armed with deadly weapons. A number of injuries were caused to the victim and some of the injuries are on his head. No doubt, specific opinion with regard to nature of injuries is yet to be obtained as the private doctor who gave treatment to the victim at the initial stage did not declare the nature of the injuries. The government doctors are now taking steps to declare the nature of the injuries. The fact that two injuries were caused on the head of the victim with dattar is sufficient to indicate the intention in the mind of the assailants. The accused took active part in the occurrence and caused two

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injuries to the victim with kirch. Keeping in view the entire facts and circumstances, this Court is not inclined to grant anticipatory bail to the accused/applicant. Therefore, the instant application is hereby declined.

File be consigned to the Record Room.

Pronounced.
Dated: 31.08.2023.

(Rajinder Aggarwal)
Sessions Judge, Gurdaspur.
(UID No. PB00048)

Davinder Singh, EA

(Rajinder Aggarwal)
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