

Harpreet Singh Vs. State

Present: Shri Gagandeep Singh, Advocate, counsel for the applicant-accused.

Shri Harvinder Singh, Public Prosecutor for the State.

Applicant-accused Harpreet Singh son of Buta Singh has moved this Court with a prayer under Section 438 of the Cr.P.C for grant of anticipatory bail apprehending his arrest in case arising out of FIR No.69 dated 11.04.2022, under Sections 307, 341, 323, 120-B, 34 of the IPC, registered at Police Station, City-2 Mansa, District Mansa.

2. It was submitted by the Public Prosecutor for the State at bar and stated by the investigating officer that this is the first application of the applicant under Section 438 of the Cr.P.C. and no such application had ever been filed by the applicant either before the competent court of parallel jurisdiction or before the Hon'ble High Court.

3. Heard. Record perused.

4. With respect to an occurrence which is said to have taken place on 10.04.2022 which left complainant Suresh Kumar injured, the version was rendered by Suresh Kumar on 12.04.2022 to the effect that on the fateful day of 10.04.2022 he had gone to attend a '*Jagran*'. He had parked his vehicle at a particular place. When he came to collect his vehicle, 3 unknown assailants armed with baseball bat attacked him and caused injuries to him, one of which was on the backside of the head.

5. Perusal of the police record reflects that an MLR was conducted on the person of Suresh Kumar, which disclosed that out of

nine injuries, 6 injuries were declared simple. Injuries no.1, 6 and 7 were kept for Orthopedic opinion. The complainant was advised to subject him to x-ray examination in order to determine the age and gravity of the injuries.

6. It was disclosed by the investigating officer that complainant did not subject himself for x-ray examination and that is why till date there is no final opinion regarding injuries No.1, 6 and 7. The investigating officer was questioned as to how offence under Section 307 of the IPC was made out, to which he replied that one of the injury which was shown to be on the backside of the head and was shown to be caused with the baseball bat, according to version of the complainant, was caused with an intention to kill him.

7. It was argued by learned counsel for the applicant that the strange part of the matter is that on 10.04.2022 the complainant did not name any of the assailants, who were shown to unknown persons. It was not the case of the complainant that they had muffled faces due to which he could not see their faces. Yet on 28.04.2022 his supplementary statement was recorded to nominate accused Jagjit Singh alias Kala and Harpreet alias Rock. His another supplementary statement was recorded on 03.05.2022 to nominate accused Prince and Sunil Kumar. It was contended that at the very first instance the complainant had purposely not named the persons so as to facilitate padding. It was further contended that one Jagjit Singh alias Kala stood arrested on 30.04.2022. The

custodial interrogation of the applicant is not required. He be granted the benefit of anticipatory bail.

8. On the other hand, the prosecution has opposed the bail applications on the ground that keeping in view the gravity of the offence, the applicant should not be extended the benefit of anticipatory bail.

9. This Court has considered the contentions advanced on behalf of the applicant and that of the prosecution and gone through the police record. Although the MLR of the injured-complainant exhibited the nine injuries on his person, out of which injuries No.2, 3, 4, 5, 8 and 9 were declared as simple and injuries no.1, 6 and 7 were advised to be subjected to an x-ray examination. It is the case of the prosecution that the injured did not subject him to an x-ray examination. The seat of injury No.1 is shown to be on the occipital region of the head, that of injury No.6 is the elbow and that of injury No.7 is the firearm. The head injury was attributed by the complainant to co-accused Sunny, who is already on bail. No injury or weapon has been attributed by the complainant to the applicant Harpreet Singh. Considering all these circumstances and without their being any necessity to go further into the finer merit of the case which is scope of the trial, this Court is of the confirmed and considered view that interest of justice would be served if applicant Harpreet Singh is considered for interim anticipatory bail. As a result, the prayer is allowed to the effect that in the event of arrest, the applicant shall be admitted on anticipatory bail to the satisfaction of the investigating officer subject to the condition that the applicant shall join

investigation on 06.09.2022 before the investigating officer at 10.00 a.m.

Applicant shall comply with conditions of Section 438(2) Cr.P.C.

10. Compliance report be furnished to this Court on 08.09.2022.

Date of order: 02.09.2022

(Navjot Kaur)
Sessions Judge, Mansa
(UID No.PB0067)

Sukhwinder Singh Stenographer G-II