

CRM-M-12556-2015 (O&M)

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

**CRM-M-12556-2015 (O&M).
Decided on: September 14, 2015.**

Sumit

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.J.P.Sharma, Advocate,
for the petitioner.**

Mr.C.S.Bakshi, Addl. A.G., Haryana.

**Mr.Tapan Kumar Yadav, Advocate,
for the complainant.**

M.M.S. BEDI, J. (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Satish Kumar alleging that the petitioner along with two others had trespassed the house of the complainant and assaulted him with danda and knife causing injuries.

So far as the petitioner is concerned, he is attributed knife blow on the right side of the chest of the complainant.

Counsel for the petitioner submits that the petitioner had been granted concession of pre-arrest bail as originally the FIR was registered under Sections 323, 452 and 506 IPC but later on the

CRM-M-12556-2015 (O&M)

medical opinion was obtained after a period of 5½ months and offence under Section 307 IPC has been added.

I have heard the counsel for the petitioner and gone through the police file.

A perusal of the police file indicates that deep penetrating injury wounds were found on the left side of the petitioner as per the operational notes. The abdomen was opened and the complainant was operated upon at SMS Hospital, Jaipur.

In view of the fact that the injured remained hospitalised for the injuries with knife attributed to the petitioner, challan having not yet been presented, the petitioner is not entitled for concession of pre-arrest bail.

I have considered the contention of the counsel for the petitioner that the petitioner had earlier been granted pre-arrest bail.

I have gone through the orders passed by the Additional Sessions Judge. As per the case presented by prosecution agency at that particular time, the medical evidence which has been collected regarding the injuries on the complainant were not before the Court granting concession of pre-arrest bail under Section 438 Cr.P.C. The petitioner cannot seek the benefit of the said order.

The petition is dismissed.

Nothing said in this order will prejudice the rights of

the petitioner to seek concession of regular bail.

(M.M.S.BEDI)
JUDGE

September 14, 2015.
rka