

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13760-2015

Date of decision: 14.05.2015

Ravi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

PRESENT: Mr. BS Jaswal, Advocate for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

R.P. NAGRATH, J.

Prayer in the instant petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No. 110 dated 16.09.2011 registered under Sections 452/323/324/427/148/149 of the Indian Penal Code (IPC) and Section 326 IPC (added later on) at Police Station C-Division, Amritsar City.

I have heard learned counsel for the petitioner and learned State counsel at considerable length and find no merit in the instant petition.

The incident took place more than 3½ years ago. Though it was contended by learned counsel for the petitioner that the offence

under Section 326 was added on 03.11.2012 i.e. after a period of more than one year yet the learned State counsel submits that two of the injuries on the person of Rohit brother of complainant Sunil Kumar were found grievous in nature as per opinion given by the doctor on 16.09.2011, itself. It thus, seems quite strange that the Investigating Agency added Section 326 IPC after a period of one year of the incident.

The occurrence took place on 11.09.2011. On that day, the petitioner along with certain other persons including three named persons i.e. Shinda and Deepa both armed with kirpan each, Baldev armed with Gandasi and the petitioner armed with a baseball bat committed criminal trespass by entering into the residential house of complainant for causing injuries to the complainant party. Rohit and Sunil Kumar both suffered four injuries each on their person in this occurrence. The injury on the right foot of Rohit which was found grievous in nature was attributed to the petitioner. Despite such a serious allegation supported by medical record, no effective steps have been made so far for arresting the petitioner till 12.02.2015, when his arrest warrants were obtained from the Court of learned Magistrate. Even if the offence under Section 326 IPC was added subsequently, the offence under Section 452 IPC was still non-bailable.

Learned counsel for the petitioner, however, contended that there was an old rivalry between the complainant and brother of the petitioner, namely; Dharminder Kumar, who was a witness in FIR No. 36 of 2007 registered under Section 307/34 IPC and in that case Sunil Kumar-complainant was convicted by the District Judge, Amritsar and he

(Sunil Kumar) remained in jail for more than 2 years. This is a question which can be taken up as defence plea later on.

As already observed, there are four injuries on each of the victim and the matter becomes more serious when no real effort has been made so far by the police to apprehend the culprits and file the challan. It is well settled that the power of anticipatory bail should be exercised in extraordinary circumstances which do not find favour with the petitioner.

Dismissed.

May 14, 2015
rishu

(R.P. NAGRATH)
JUDGE