

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

CRM-M-14465-2015

Date of decision: 21.5.2015

Gurbhej Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Vivek Salathia, Advocate for the petitioner

Mr.Ashish Sanghi, DAG, Punjab assisted by
ASI Harpal Singh

SNEH PRASHAR, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case First Information Report No.169 dated 11.8.2014, registered under Sections 326, 323, 452, 427, 34 of the Indian Penal Code (Section 452 IPC added later on) at Police Station Ajnala, District Amritsar.

Mr.Vivek Salathia, Advocate representing the petitioner and Mr.Ashish Sanghi, Deputy Advocate General, Punjab have been heard.

Learned counsel for the petitioner submitted that the injury attributed to the petitioner is on the non vital part of the complainant i.e. left leg and the doctor opined that the injury caused by friendly hands

cannot be ruled out. The other accused have already been enlarged on bail by the learned Additional Sessions Judge, Amritsar. Submitting that the petitioner is aged about 60 years and nothing is to be recovered from him, learned counsel for the petitioner prayed for grant of anticipatory bail to the petitioner.

The prayer has been opposed by the learned counsel for the State. He submitted that the petitioner is the main accused, who caused grievous injuries with sharp edged weapon. The weapon of offence i.e. '*Dater*' is yet to be recovered.

As per the MLR of the injured-complainant, he suffered three injuries. Injury No.1 caused by the petitioner with sharp edged weapon i.e. '*Dater*' on the left leg of the complainant, was declared grievous in nature.

Keeping in view the gravity of offence and as argued by learned counsel for the State that the custodial interrogation of the petitioner is necessary to recover the weapon of offence i.e. *Dater*, in the considered opinion of this Court, no case for grant of bail to the petitioner is made out and as such, the present petition being devoid of merit is dismissed.

21.5.2015
gsv

(SNEH PRASHAR)
JUDGE