

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

CRM-M No.14620 of 2015.

Date of Decision: July 21, 2015.

Ricky

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sandeep Arora, Advocate for the petitioner.
Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.86 dated 27.06.2014 under Sections 323/324/326/148/149 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Division No.5, Jalandhar.

The story of the prosecution was that on 26.06.2014 at about 11:15 p.m., Vijay Kumar alias Bunty son of Bahadur Chand had gone to see Bhandara in Gali No.6 at the Dargah of Panj Peer where Kawalis were being performed on stage. Laddi son of Babbu armed with a '*Datar*', his brother Ricky armed with Kirpan, Akku son of Lalli alias Raghbir holding a base bat and Gaggi son of Babbu having a Kirpan alongwith two unidentified persons aged about 17 to 19 years, who were holding brick bats, came there and started creating mischief. When he (Vijay Kumar)

stopped them from doing so, all the said persons attacked on him and inflicted injuries on him with their respective weapons. The accusation against petitioner Ricky was that he gave a Kirpan blow on the right side of the head of the complainant.

Heard the submissions made by Mr. Sandeep Arora, learned counsel representing the petitioner and Mr. Ashish Sanghi, learned Deputy Advocate General, representing the State of Punjab.

As reflected by learned Additional Sessions Judge, Jalandhar in his order dated 03.01.2015, according to the opinion of the doctor available on record, offence under Section 326 I.P.C. had been added to the case when injury no.5 on the head of the complainant was declared to be grievous in nature. The injury suffered by the complainant on the head was attributed to the petitioner.

Learned State counsel submitted that the Kirpan used by the petitioner during commission of crime is to be recovered from him for which his custodial interrogation is necessary.

The complainant suffered grievous injury on vital part of the body i.e. head and said injury was inflicted with a sharp edged weapon. Recovery of the weapon used during commission of crime is to be effected. Accordingly, there being serious allegation against the petitioner, no ground for his release on anticipatory bail is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

July 21, 2015
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