

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

CRM-M-20061 of 2015

Date of Decision: 18.06.2015

Ishwar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sumit Gupta, Advocate
for the petitioner.

Mr. Pankaj Chauhan, Advocate
for the complainant.

Ramendra Jain, J.

By way of this present petitioner under Section 438 Cr.P.C., the petitioner has sought anticipatory bail in case FIR No.263 dated 08.04.2015 under Sections 323, 506, 34 IPC, registered at Police Station Jhajjar, District Jhajjar (Section 307 IPC added later on).

Brief facts of the case are that around 2-2.30 pm on 07.04.2015, complainant-Jugan Singh Chouhan was at his house, whereas his brother Bijender had gone outside the village to tether their cattle. After some time, the complainant also started for his fields. On reaching at their plot, he heard noise. He rushed to the spot and saw petitioner-Ishwar Singh standing

there having an iron rod in his hand, along with his son Atul also

having an iron rod and Madan and Ravi having 'lathis' and they were quarreling with his brother Bijender. Petitioner-Ishwar Singh gave an iron rod blow on the left side of the head of his brother Bijender, whereas, his son namely Atul gave another iron rod blow on his head near his ear. Madan gave a 'lathi' blow on the right side of his chest, whereas, Ravi inflicted a 'lathi' blow on the left side of his chest. When, he tried to rescue his brother from the clutches of the assailants, they ran towards him in order to beat and kill him. However, he escaped by running away from the spot.

Learned counsel for the petitioner submits that initially, the petitioner was arrested in case FIR No.263 dated 08.04.2015 under Sections 323, 506, 34 IPC and was granted bail vide order dated 17.04.2015 by learned Judicial Magistrate Ist Class. After two months, the police added Section 307 IPC and thus, he has every apprehension of his arrest afresh.

Mr. Pankaj Chauhan, Advocate present in Court, has appeared on his own, for the complainant and opposed the bail application, by submitting that injury No.1 caused on the head of injured Bijender was declared dangerous to life. Weapon of the offence has yet to be recovered from the petitioner i.e. iron rod.

Heard.

In view of the totality of the facts and circumstances of the case, I do not find it a fit case to grant the anticipatory bail to the petitioner, because injury No.1 on the head of injured Bijender which is a vital part, has been declared dangerous to

life. As per complainant, various weapon of offence i.e. iron rod has to be recovered from the petitioner. Hence, it is apparent that he is required for custodial interrogation.

Hence, the present petition is hereby dismissed.

18.06.2015
'yogesh'

(RAMENDRA JAIN)
JUDGE