

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-21343 of 2015

Date of decision:15.07.2015

Ajay Kumar and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. H.S. Gill, Senior Advocate with
Mr. Vivek Goel, Advocate for the petitioners.

Mr. K.S. Pannu, DAG, Punjab.

Navita Singh, J. (Oral)

This petition has been moved by Ajay Kumar and Hardeep Gill @ Happy under Section 438 of the Code of Criminal Procedure seeking regular bail in case FIR No.116 dated 16.5.2015 registered under Sections 323, 324, 506 and 34 IPC (offence under Section 326 IPC added later on) at Police Station Nakodar, Jalandhar.

According to the FIR, petitioner- Ajay Kumar was armed with a kirpan while the other petitioner was armed with kirch. They along with Ramesh Kumar, brother of petitioner No.2 and one Amit were beating Rajinder Singh. The complainant intervened and tried to rescue the victim, whereupon he was injured by Deepak and Amit. When Davinder Singh, brother of Rajinder Singh reached the spot, the assailants caused injuries to him as well.

Counsel for the petitioners submits that injury regarding Section 326 IPC was added later on and was attributed to Deepak who is not the petitioner here. Also he referred to the medico legal report pertaining to petitioner No.2, who was examined at 12:40 pm on 16.5.2015, i.e. the date

of the incident reported in the FIR and contended that the injury on the person of petitioner No.2 remained unexplained and, therefore, it was a case of version and cross-version.

State Counsel, however, has shown the medico legal report of Davinder Singh, who was examined at 9:30 am and so was the complainant. Incised wound with fresh bleeding was found in the lower part of abdomen of Davinder Singh. As per the statement made by Davinder Singh before the police, when he had reached the place, he was given blow in his abdomen by petitioner No.2 with kirch.

Even if the particular injury under Section 326 IPC may not be attributable to any of the petitioners herein, it would not mean that they should be given the concession of anticipatory bail in spite of the fact that all the assailants had acted with common intention. Also it is submitted by counsel for the State that the complainant and Davinder Singh were examined medically at 9:30 am whereas petitioner No.2 went for examination at 12:40 pm.

Counsel for the petitioners submits that petitioners are students and were attributed only simple injuries.

However, in view of the facts delineated above, it is felt that the petitioners are not entitled to the concession of anticipatory bail.

Dismissed.

15.07.2015
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(NAVITA SINGH)
JUDGE