

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

**Criminal Misc. No. M-23042 of 2015
Date of Decision:-18.9.2015**

Manoj Gandhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Mandeep Singh Sachdev, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Jagjit Singh, Advocate
for the complainant.

HARI PAL VERMA J.

Petitioner Manoj Gandhi son of Ramesh Kumar, resident of House No.406/17, Mohalla Arafwala, Kapurthala has filed the present petition under Section 438 Cr.P.C. seeking his release on anticipatory bail in the event of his arrest in FIR No.158 dated 30.10.2014, under Sections 323, 341, 148 and 149 IPC (Section 308 IPC added later on vide DDR No.39 dated 17.4.2015), registered at Police Station Division No.2, Jalandhar.

Learned counsel for the petitioner contends that initially when the FIR was registered, no offence under Section 308 was found to be

made. He further submits that perusal of the medical record suggest that the petitioner has not been attributed any injury which attracts the provision of Section 308 IPC. Section 308 IPC has been added on 17.4.2015 whereas the FIR was registered on 30.10.2014. In this manner after offence under Section 308 IPC was added after six months of the incident. Learned counsel for the petitioner relies upon ***Kishan Singh vs. State of Haryana 1999(1) RCR (Criminal) 64*** to contend that initially the offences mentioned in the FIR were bailable and when on the same allegations non-bailable offences are added, the accused is entitled to grant bail. Reference has also been made to ***Saudagar Singh vs. State of Punjab 1996(1) RCR (Criminal) 456***.

Learned counsel for the complainant has opposed the bail application and contended that the perusal of medico legal report (Annexure P-4) shows that the injury attributed to the petitioner are serious in nature and therefore, Section 308 IPC has rightly been added though at later stage. He has shown the photographs, which matched to the injuries as referred in the MLR. There are two injuries on the head, which were scalp deep. The petitioner has specifically been named in the FIR.

Taking into consideration the nature of injuries so attributed to the petitioner and after having glance of the photographs which matched to the MLR no ground for grant of anticipatory bail is made out. Accordingly, the present petition is dismissed.

However, it is made clear that any expression made herein above shall not be construed as an expression of opinion on the merits of

the case. The trial Court shall conduct the trial and decide the same on the basis of available evidence.

September 18, 2015
Vijay Asija

(*HARI PAL VERMA*)
JUDGE