

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-25131 of 2015
Date of decision : 01.09.2015

Sarwan Kumar

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. A.S. Manaise, Advocate
for the petitioner

Mr. V.P.S. Sidhu, AAG Punjab

Mr. R.S. Manhas, Advocate
for the complainant

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 32 dated 03.06.2015 registered at Police Station Behrampur, District Gurdaspur under Sections 452, 326, 323, 324, 427, 148, 149 IPC.

Heard.

Learned counsel for the petitioner contends that the petitioner is a juvenile and it has come out in the police report that petitioner was not present at the time of second occurrence and the MLR would show that he was admitted in hospital at 5.00 p.m. and false allegations have been levelled against him. He urged that the injury which is said to be under Section 326 IPC is superficial cut. It was urged that father of the petitioner had been declared innocent.

The bail application is opposed by the complainant as well the as State and it was urged that the first incident took place and the petitioner again came at 7.00 p.m. and inflicted injuries with datar and the injury falls under Section 326 IPC. It was urged that

four persons had entered the shop and they had also caused injuries to the ladies of the family and did not spare even the eight month old baby.

Learned State counsel urges that the MLR does not show that the petitioner was admitted in the hospital as no time of admission or discharge is mentioned. It was urged that custodial interrogation is necessary and weapons have to be recovered.

MLR of the petitioner only indicates that the petitioner had gone to the hospital at 5.00 p.m. There is no record regarding his admission in the hospital. The petitioner is alleged to have caused injuries with datar on the right side of Sanjeev's head and on the right leg of Dharam Singh. The petitioner had returned to the spot again and attacked the complainant side.

No case for anticipatory bail is made out.

The petition is dismissed.

September 01, 2015

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**(ANITA CHAUDHRY)
JUDGE**