

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-2598 of 2015

DATE OF DECISION: 19.10.2015

Aman Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. PKS Phoolka, Advocate
for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

Mrs. Anju Arora, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 188 dated 17.12.2014 registered under Sections 447/427/380/457/506/34 IPC and Section 326 IPC added later on at Police Station Lambi, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case as the complainant was having grudge against the petitioner. The daughter of the complainant and petitioner got married against the wishes of the complainant due to which

the petitioner has been implicated in case FIR No. 152 dated 3.10.2014 registered under Sections 377/506 read with Section 34 IPC. Learned counsel further submits that the protection petition was filed by the petitioner and daughter of the complainant.

Learned counsel for the respondent-State opposes the submissions made by learned counsel for the petitioner. She submits that the complainant- injured was got admitted in the civil hospital, wherein, his statement was recorded and after receiving X-ray report, offence under Section 326 IPC was added. He further submits that injuries Nos. 1,2 and 3 were declared grievous in nature, which were caused with *kappa* and the recovery of the weapons used in commission of offence has not been effected inspite of giving opportunity to the petitioner.

Learned counsel for the complainant submits that not only specific allegations are there against the petitioner but specific role has also been assigned to him. The petitioner is a habitual offender as another FIR is also registered against him.

Heard the arguments advanced by learned counsel for the parties and have also gone through the FIR and other documents available on the file.

As per allegations in the FIR, the petitioner gave *kappa* blow on front side of the right leg of the complainant. The co-accused of the petitioner also threatened the complainant to withdraw the case filed by his daughter. Injured-complainant remained admitted in the hospital, wherein, his statement was recorded. During pendency of the investigation in the other case, the complainant was also threatened to withdraw the case. The petitioner has misused the concession of anticipatory bail granted to him by this Court. Not only specific injuries have been attributed to the present petitioner but specific role has also been attributed. Two injuries

caused to the complainant have been declared grievous in nature. In spite of giving opportunity neither the recovery has been effected from the petitioner nor he has cooperated with the investigation as stated by the Investigating Officer. The custodial interrogation of the petitioner is required as not only he has misused the concession of interim bail but has also caused grievous injuries to the complainant, who is father of the complainant.

Accordingly, keeping in view the role of the petitioner and also the fact that he did not cooperate with the investigation and has also misused the concession of bail granted to him in other case, the petitioner does not deserve the concession of bail. The present petition being devoid of any merit is hereby dismissed.

October 19, 2015
pooja

(DAYA CHAUDHARY)
JUDGE