

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

**C.R.M-M No.29856 of 2015
Date of Decision : 21.09.2015**

Gurmel Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. N.S. Sodhi, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. D.S. Sidhu, Advocate
for the complainant.

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

AJAY TEWARI, J. (Oral)

This is a second petition for anticipatory bail under Section 438 Cr.P.C. in case F.I.R. No.112 dated 16.05.2014 registered under Sections 323, 324, 341, 506, 148, 149 (Section 326 IPC added subsequently) at P.S. Dharmkot, District Moga. The earlier petition had been dismissed by order dated 26.09.2014 in the following terms:-

“This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.112 dated 16.05.2014 registered under Sections 326, 323, 341, 506, 148, 149 IPC at Police Station Dharamkot, District Moga.

On 18.09.2014 the following order was passed:-

“This is a petition for anticipatory bail in case FIR No.112 dated 16.05.2014 registered under Sections 326, 323, 341, 506, 148 and 149 IPC at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner has argued that the injury attributed to the petitioner is a self-inflicted blade injury.

On instructions from ASI Jai Pal Singh, the learned Additional Advocate General states that this argument is incorrect because the bones of right wrist of the complainant were also found to be fractured.

Learned counsel for the petitioner seeks an adjournment to respond thereto.

Adjourned to 26.09.2014.”

Today the learned counsel for the petitioner states that he is not in a position to deny the fact that both the wrists of the complainant were fractured.

In this view of the matter, I do not deem it appropriate to grant the concession of anticipatory bail to the petitioner.

Petition is dismissed.”

I put it to the learned counsel for the petitioner as to what is the change in circumstances. He has argued that as per the MLR blood was oozing out of the injury No.4 and this is not possible since the MLR was recorded after almost 8 hours. In the first place, this is not a change in circumstance but merely a new argument. Secondly, it cannot be said with certainty that blood can not ooze out from such injury after 8 hours.

In the circumstances, the petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

September 21, 2015

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**(AJAY TEWARI)
JUDGE**