

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc. No. M-30497 of 2015
Date of decision: 01.10.2015

Amarjit Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers 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: Ms. Ravinder Kaur Manaise, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. AG, Punjab
for the respondent – State.

Mr. G.S. Sandhu, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner-Amarjit Singh in case FIR No.41 dated 03.06.2015 registered under Sections 452, 326, 323, 324, 148 and 149 of Indian Penal Code at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner submits that it is a case of version and cross-version as co-accused of the petitioner, namely, Sawinder Singh has also sustained injuries and was examined vide MLR dated 31.05.2015 but his cross-version was not recorded. There is a delay of three days in lodging of the FIR as the occurrence took place on 31.05.2015 whereas statement of complainant was recorded on

03.06.2015. All family members have been implicated in the case. Learned counsel also submits that co-accused of the petitioner, namely, Sawinder Singh and Rajwinder Kaur, have been granted anticipatory bail by this Court.

Learned State counsel opposes the submissions made by learned counsel for the petitioner on the ground that the injury, which falls under Section 326 IPC, has been attributed to the petitioner and it cannot be said that the case of the petitioner is on similar footing, who have been granted anticipatory bail, keeping in view his role.

Learned counsel appearing for complainant strongly opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is not entitled for anticipatory bail keeping in view his role. Learned counsel also submits that the petitioner cannot claim parity with his co-accused, who have been granted anticipatory bail.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR and the role attributed to the present petitioner.

Keeping in view the role of the present petitioner, his case is not at par with co-accused, who have been granted anticipatory bail as the injury, which falls under Section 326 IPC, has been attributed to him.

Accordingly, keeping in view the nature of the injury and role of the petitioner, no ground is made out to grant anticipatory bail to the petitioner. Hence, the present petition is dismissed.

01.10.2015
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(DAYA CHAUDHARY)
JUDGE