

CRM-M-38127 of 2014

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

CRM-M-38127 of 2014 (O&M)

Date of decision: 04.03.2015

Harvinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH**

- 1) Whether Reporters of the 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 ?

Present: - Mr. Parvez Chugh, Advocate, for the petitioner.  
Mr. S.S. Chandumajra, DAG, Punjab.  
Mr. K.B. Raheja, Advocate, for the complainant.

**PARAMJEET SINGH, J. (ORAL)**

Instant petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case FIR No.168 dated 31.05.2014 registered under Sections 307/324/323/148/149 IPC at Police Station Sadar Ferozepur. It is submitted that offence under Sections 307/148/149 IPC has been deleted and offence under Sections 326/325/34 IPC has been added lateron.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that he has also been given injury by the complainant party, as such this is a case of

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cross-version and the injury suffered by the petitioner is also of grievous nature. Learned counsel for the petitioner further submits that fake documents have been prepared by the complainant party and FIR has also been registered against the complainant party.

Learned counsel for the State, after seeking instructions from ASI Nishan Singh states that injury attributed to the petitioner has been found to be grievous in nature. Besides this, other injury has also been attributed to the petitioner. Learned State counsel submits that petitioner had also given '*kirpan*' blow from the blunt side on the back of the injured. Furthermore, it has been informed by learned State counsel that petitioner is an absconder and has not submitted to the process of law.

I have considered the contentions raised by learned counsel for the parties.

Perusal of FIR (Annexure P-8) reveals that petitioner has given a '*kirpan*' blow on the head of the complainant and when complainant raised his left hand to save himself the blow hit on the thumb of his left hand and caused grievous injury.

Learned counsel for the State, after seeking instructions from ASI Nishan Singh, submits that cross-version case set up by the petitioner has been found to be false. At this stage, learned counsel for the petitioner submits that he has also filed a complaint. This contention of the learned counsel for the petitioner has no force as the complaint has nothing to do with the grant of pre-arrest bail. Prima facie the Court has

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to look into the allegations levelled in the FIR, specifically when the version of the petitioner has been found to be false by the investigating agency.

In view of above, no ground for grant of anticipatory bail is made out.

Dismissed.

**(Paramjeet Singh)**  
**Judge**

**March 04, 2015**  
**R.S.**