

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-38357 of 2015(O&M)

Date of decision : 03.12.2015

Rajinder Kumar

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sanjeev Manrai. Sr. Advocate with
Mr. Vikas Bishnoi, Advocate
for the petitioner

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

Mr. Vinay Puri, Advocate
for the complainant

ANITA CHAUDHRY, J. (ORAL)

Crl. Misc. No. 38724 of 2015

Application is allowed and Annexure P-4 is taken on
record.

Crl. Misc. No. M-38357 of 2015

The petitioner is seeking anticipatory bail in FIR No. 75
dated 04.05.2015, registered under Sections 324, 341, 323, 506,
148, 149 IPC later on added 307 IPC at Police Station Laddowal,
District Ludhiana.

Learned counsel for the petitioner contends that it was a
case of version and cross version and today they have placed on
record MLRs of both the sides. It was urged that though the incident
took place on 02.05.2015, the FIR was lodged on 04.05.2015 and the
petitioner is ready to join the investigation. Learned counsel urges

that he is Sarpanch of the village and the complainant was

opposing the petitioner in the Panchayat election and it was a case of party faction. It was urged that it can only be ascertained in the trial as to which party was the aggressor.

The bail application has been opposed by the complainant as well as the State.

Learned counsel for the complainant had referred to the MLRs and urged that Rajinder Kumar is named in the FIR and he was armed with Kirpan and had inflicted injury on the head of the son of the complainant which was declared dangerous to life and the dimensions of the injury given in the MLR Annexure P-4 would show that the injury was bone deep over the centre of parietal area of the head.

Learned State counsel on instructions also states that there is another FIR under Section 325 IPC pending against the petitioner.

The MLRs of the cross version which were given to the police on 05.05.2015 have also been gone into. The injury attributed to the petitioner with the Kirpan had been declared dangerous to life. The allegations are indeed serious. The petitioner claims himself to be Sarpanch and is indulging this kind of activity. The discretion can not be exercised in his favour.

Considering the seriousness of the incident no case for anticipatory bail is made out.

The petition is dismissed.

03.12.2015

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(ANITA CHAUDHRY)
JUDGE