

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

CRM-M-4392-2015

Date of decision: 13.3.2015

Jagdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Bikramjit Aroua, Advocate for the petitioner

Ms.Simsi Dhir Malhotra, DAG, Punjab

Mr.Amit Arora, Advocate for the complainant

SNEH PRASHAR, J.

The 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.119 dated 19.9.2014, registered under Sections 323, 324, 148, 149 of the Indian Penal Code (Sections 326, 34 of IPC added later on) at Police Station Verowal, District Tarn Taran.

Learned counsel for the parties have been heard.

Learned counsel for the petitioner submitted that it is a case of version and cross-version. There was unexplained delay of four days in lodging of present FIR and as a result of an after thought the petitioner was falsely implicated. He further submitted that the petitioner and the complainant are real brother. Infact, the complainant

party was the aggressor party, who inflicted injuries on the person of the petitioner.

On the other hand, on instruction from ASI Nirmal Singh, learned counsel appearing for the State submitted that the petitioner alongwith other co-accused caused injuries to the complainant with a sharp edged weapon, which is still to be recovered and the investigations are in progress.

As per the allegations made in the FIR, the petitioner was armed with Kirpan and he gave a blow to Gagandeep Singh on his forehead. After examination of MLR, Xray and CT Scan of injured Gagandeep Singh, doctor opined that injury no.1 was grievous, whereas injuries no.2 and 3 were simple in nature. Injured suffered fracture on outer table of frontal bone near midline. The weapon of offence i.e. Kirpan is yet to be recovered and for the same, the custodial interrogation is necessary. The fact that who is aggressor will be decided by the court during trial.

Keeping in view the nature of injuries suffered by the injured and the fact that the weapon of offence is yet to be recovered, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner. As such, the present petition being devoid of any merit is dismissed.

13.3.2015
gsv

(SNEH PRASHAR)
JUDGE