

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

CRM-M-5607 of 2015

Date of Decision:11.05.2015

Baljit Kumar @ Jita

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

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

Ms. Simsi Dhir Malhotra, DAG, Punjab.

SNEH PRASHAR, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.88 dated 02.09.2014 under Sections 324, 341, 120-B, 506, 148 and 149 of the Indian Penal Code (for short 'IPC) (Section 326 IPC added later on vide DDR No.27 dated 23.09.2014) registered at Police Station Sadar Phagwara, District Kapurthala.

2. The accusation against the petitioner is that he, alongwith the co-accused, had caused grievous injures with Kirpan/Dattar on Kashmir Singh s/o Sada Ram, resident of village Khalwara, Police Station Sadar Phagwara.

Vide order of this Court dated 27.02.2015, the petitioner was allowed interim bail and was directed to abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure.

3. Heard the submissions made by Mr. N.S. Lucky, Advocate representing the petitioner and Ms. Simsi Dhir Malhotra, DAG, Punjab representing the State.

4. Learned counsel for the petitioner submits that in compliance of the order passed by this Court the petitioner has joined investigation.

5. Learned State counsel opposed the prayer of the petitioner and submitted that though on direction the petitioner joined the investigation but the grievous injury which falls under the provisions of Section 326 of IPC is attributed to the petitioner and that the 'Kirpan' used by him during commission of offence is yet to be recovered. He also submitted that the petitioner is not co-operating in investigation.

5. Prima facie, the main grievous injury caused with a sharp edged weapon has been attributed to the petitioner. Despite directions given to him to join investigation, he did not co-operate. Recovery of the weapon used in commission of crime is to be made from him. Considering the intensity of allegations his custodial interrogation will be required. As such, there being no ground for extending concession of anticipatory bail to the petitioner, the present petition is hereby dismissed.

May 11, 2015
rashmi

(SNEH PRASHAR)
JUDGE