

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

CRM-M-6568-2015 (O&M)
Date of decision : 27.02.2015

Vishal and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Naveen Sharma, Advocate for the petitioners.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioners in case FIR No.129 dated 30.08.2014, registered under Sections 307, 323, 324, 325, 326, 452, 427, 148, 149 of the Indian Penal Code, (for short, 'the IPC') (Section 307 IPC deleted subsequently) at Police Station Division No.7 (Vardhman), Distt. Ludhiana City.

The learned counsel for the petitioners contends that initially, the FIR was registered under Section 307 IPC, which stands deleted after investigation. No specific injury has been attributed to petitioner No.1, Vishal. It is a case of version and cross-version. Bimla Devi, the mother of Jhony and Munish suffered injuries from the side of the petitioners.

Heard.

There is no dispute with regard to identity of the petitioners as the parties are well-known to the each other. From the perusal of the MLR of the injured, Joginder, it is made out that as many as thirteen injuries were inflicted upon the injured, which include three grievous injuries.

Keeping in view the active participation, specific role and the weapon used, no case for bail is made out.

Dismissed.

The Court is constrained to notice that the victim suffered thirteen injuries including grievous injuries as noticed in the MLR of injured-Joginder, Annexure P-2. The vital parts of the body of the victim have been aimed at. The case was rightly registered under Section 307 IPC. But unfortunately, there is now a dilution of the major offence.

The Court would like to know under what circumstances the Investigating Officer has chosen to dilute the rigour of Section 307 IPC during the course of the investigation.

Accordingly, the Investigating Officer is directed to appear in person before this Court on 17.03.2015, and explain the circumstances under which the offence under Section 307 IPC was taken away from the preview of the investigation.

A copy of this order be given to Mr. Luvinder Sofat, AAG, Punjab, under the signatures of the Special Secretary of this Court, for onward transmission and compliance thereof.

27.02.2015

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(JITENDRA CHAUHAN)
JUDGE