

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

CRM-M No.11891 of 2016 (O&M)

Date of Decision: 22.04.2016

Esmile

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Malhar Singh Dhami, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Devender Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of anticipatory bail under Section 438 Cr.P.C. to the petitioner/accused-Esmile in case FIR No.88 dated 06.10.2015, under Sections 307, 506, 148 and 149 of the Indian Penal Code, registered with Police Station Haryana, District Hoshiarpur.

The complainant-Jaswant Singh and two of his friends-Baljit Singh @ Joti and Virender Kumar @ Rinku were waylaid by group of 10 named accused, fully armed along with 10-12 unknown persons, who after chasing them, inflicted 07 injuries upon the complainant-Jaswant Singh, 09 injuries upon Baljit Singh @ Joti and 03 upon Virender Kumar @ Rinku. Some of the injuries inflicted upon the complainant-Jaswant Singh and Baljit Singh have been opined to be grievous in nature, while 02 of the injuries inflicted upon Rinku have been opined to be dangerous to life.

It is contended that the role attributed to the petitioner is of inflicting a solitary *Kirpan* blow on the backside of the complainant, which has been opined to be simple in nature and, therefore, prays for grant of anticipatory bail to the petitioner.

Learned State Counsel, assisted by HC Devender Singh, submits that after investigations, eight persons have been identified to be the purporters of the offence and only one Taranjeet Singh stands arrested and the rest are absconding including the present petitioner. She further submits that all the accused armed with deadly weapons with a common intention had waylaid the complainant party and inflicted injuries and at this stage, no benefit can be derived by the present petitioner of having inflicted only a solitary blow.

Without commenting on the merits of case and keeping in view the nature and gravity of the offence, no case for grant of anticipatory bail to the petitioner is made out.

Accordingly, the present petition stands dismissed.

April 22, 2016
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(JASWANT SINGH)
JUDGE