

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 12893 of 2016
Date of decision: 5.5.2016

Ranjit Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Surinder Thakur, Advocate.
Ms. Simsi Dhir, DAG, Punjab

M.M.S.BEDI,J.

Petitioner Ranjit Singh seeks the concession of pre-arrest bail in a case registered at the instance of complainant Rajbir Singh alleging that on 7.12.2015 when the complainant along with his daughter were going to their house, co-accused of the petitioner Noor tried to slap his daughter and when he stopped him, the petitioner along with two others, armed with dang and dat attacked the complainant and assaulted him causing injuries. The petitioner has been attributed dat blows on the left and right side of the head of the complainant.

With the assistance of learned State counsel, I have gone through the police file, brought by HC Davinder Sigh. The complainant has received deep bone cut injuries, clearly visible in the CT scan and reported by the Doctor to be grievous injury.

Counsel for the petitioner has vehemently contended that as a matter of fact father of the petitioner Gurdip Singh had been inflicted grievous injury on the head, by the complainant Rajbir Singh and that cross version has already been recorded. It has been argued that it was the complainant party, which was aggressor. On the basis of the head injury of

Gurdip Singh, the petitioner has raised a plea of self defence, claiming that in view of the injuries having been received by both the parties, it is still to be determined as to which of the party was an aggressor, especially when both the sides have received injuries.

I have considered the facts and circumstances of the case. In the present case the motive appears to be an old enmity between the complainant and the petitioner. The petitioner has been attributed dat blows on the wrist of the complainant as well as on the left and right side of the head of the complainant. The injury attributed to the petitioner on the head, resulting in deep bone cut, fracturing the skull, is indicative of the force and intention of the petitioner. It will be pre-mature at this stage to enter into the niceties of the trial to appreciate the controversy whether it is a case of self defence or the case where the petitioner has exceeded the right of self defence. No ground is made out to grant the concession of pre-arrest bail to the petitioner.

Dismissed.

Nothing said in this order will prejudice the right of the petitioner to seek the concession of regular bail, in accordance with law.

May 5 ,2016
TSM

(M.M.S.BEDI)
JUDGE