

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

CRM-M No.13059 of 2016

Date of Decision:-03.05.2016

Baljit Singh @ Nikka.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. A.P. Kaushal, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Jagga Singh.

Mr. Navin Saini, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail on behalf of the accused/petitioner-Baljit Singh @ Nikka in case FIR No. 44, dated 07.03.2016, for offence punishable under Section 308 of the Indian Penal Code, registered at Police Station Sidhwan Bet, District Ludhiana.

As per the allegations, levelled by the complainant-Prabhjot Singh, on 30.01.2016, while playing cricket, an altercation took place between the accused/petitioner and the complainant party and the present accused is alleged to have thrown brick bats on the complainant, which hit

on his left elbow and on his forehead just above left eye.

It is averred that a sudden fight had occurred and even from the alleged injuries, no case under Section 308, IPC is made out against the petitioner. It is further averred that the FIR has been lodged after a delay of more than one month.

Learned Counsel for the complainant points out that the petitioner-accused had inflicted not one, two blows with a stone and as per the CT Scan report of the same date, a fracture on the frontal bone on the left side of the forehead was found. He further submits that the complainant has remained hospitalised for almost a week and also suffered permanent disability in the eye. The explanation qua the delay is the nature of injury and the consequent treatment undertaken by the complainant.

Learned State Counsel assisted by ASI Jagga Singh As regards the delay, learned Counsel for the complainant admits that the petitioner has joined investigation and as such nothing is to be recovered from him, however, also does not dispute the CT Scan report regarding the fracture as also the fact that the complainant has remained hospitalised for a week.

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

Dismissed.

(JASWANT SINGH)
JUDGE

May 03, 2016
Vinay