

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

CRM-M-21682 of 2016 (O&M)

Date of decision : 07.10.2016

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vijay Rana, Advocate and
Mr. Ajay Sharma, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Amarjit Singh.

Mr. Ashok Giri, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking anticipatory bail in case FIR No.50 dated 05.05.2016, registered under Sections 323, 324, 452 and 120-B of the Indian Penal Code (for short 'the IPC') and Section 326 IPC (added subsequently), at Police Station Adampur, District Jalandhar.

The learned counsel for the petitioner states that the petitioner has been falsely implicated in the present case. There is delay of three days in lodging the present FIR as the alleged occurrence took place on 02.05.2016 and FIR was registered on 05.05.2016. The complainant in

connivance with the doctor got declared one of two minor injuries as grievous. He further submits that in pursuance of the order dated 23.06.2016, the petitioner has joined the investigation.

On the other hand, the learned State counsel submits that after obtaining the opinion of the doctor that out of the two injuries, suffered by the complainant, injury No.1 i.e. head injury is grievous, Section 326 IPC was added. Copy of MLR of the injured-complainant has been filed in the Court, is taken on record as Mark 'A'. On instructions, he further states that though the petitioner has joined the investigation but he is not co-operating.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

The allegation against the petitioner is that he armed with datar entered into the haveli of the complainant, and caused two injuries to the complainant. As per the MLR, injury No.1 (head injury) was declared grievous in nature. Therefore, keeping in view the seriousness of the offence; nature of injury; and active role of the petitioner, no case for grant of anticipatory bail is made out, at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

07.10.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No