

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

CRM-M-31827-2016

Date of decision-09.09.2016

Sandeep Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jaspreet Singh Brar, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

By way of present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.44 dated 28.04.2016, registered under Sections 307, 325, 324, 323, 341, 506 and 148 read with Section 149 of the Indian Penal Code (in short 'IPC') at Police Station Sadar Kotkapura, District Faridkot.

It is contended that bare perusal of the FIR reveals that only one injury i.e. on the left leg of the complainant/injured is attributed to the petitioner and the said injury is at the non-vital part of the body and does not come under the purview of Section 307 of IPC.

On the other hand, the learned State counsel opposes the application for grant of anticipatory bail and submits that there are serious allegations against the petitioner and the petitioner has been nominated in the instant case.

Heard.

The allegations in brief against the petitioner are that he along with his co-accused waylaid the complainant and caused injuries on his left

leg, arm as well as broken his teeth. Name of the petitioner figures in the FIR. The complainant suffered as many as 12 injuries including fracture of leg. To constitute the offence punishable under Section 307 of IPC, it is not the actual injury or type of injury, rather the intent to cause injury is to be seen. At this stage, it can not be said that Section 149 of IPC is not applicable. The same shall be adjudicated by the learned trial Court at an appropriate stage.

Keeping in view the seriousness of the offence, no case for grant of concession of anticipatory bail is made out.

Consequently, bail application stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

September 09, 2016

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No