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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33875-2016
Date of decision-20.10.2016

Darshan Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None 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 FIR No.51 dated 09.06.2015, registered under Sections 365, 323, 341, 294, 506 and 148 read with Section 149 of the Indian Penal Code (in short 'IPC') at Police Station Jodhan, Ludhiana Rural, District Ludhiana in which Section 365 IPC was deleted by the police during the investigation and Section 326 IPC was added later on.

The allegations against the petitioner are that he along with his co-accused kidnapped the complainant and gave beatings to him with sharpened edged weapon i.e. gandas. Petitioner and his co-accused were armed with deadly weapons and they have also suffered injuries. The petitioner also received two injuries on the vital parts.

Perused.

A bare perusal of the FIR reveals that the petitioner has been attributed injuries with gandas on the vital part of the body and have been

declared grievous in nature.

This is second bail petition. The first petition for grant of anticipatory bail was dismissed, vide order dated 29.10.2015. Instead of submitting to the process of justice, the petitioner chose to file the second petition for grant of bail under Section 438 of Cr.P.C without there being change of circumstances. As such this petition is not maintainable.

Moreover, keeping in view the alleged participation; number and nature of injuries, 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

October 20, 2016
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No