

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

CRM-M No.38050 of 2016 (O&M).
Date of Decision: 10.11.2016.

Gurpreet Singh @ Sandeep SinghPetitioner.

VERSUS

State of PunjabRespondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Manish Kumar Singla, Advocate for the petitioner.

Mr. Neeraj Sharma, Assistant Advocate General, Punjab.

Mr. Vineet Chaudhary, Advocate for the complainant.

SNEH PRASHAR, J.

The petitioner is wanted in case First Information Report No.98 dated 17.08.2016 under Section 324 (326 added later) of the Indian Penal Code (for short, "IPC") registered at Police Station Khamano, District Fatehgarh Sahib. Apprehending his arrest, he has moved the instant petition for being given the benefit of anticipatory bail.

The instant case was registered on the statement of complainant-injured Jaswinder Singh alias Sigri, aged 18 years. He stated that on 13.08.2016 at about 8:30 p.m., when he was sitting near Martyr's place in his village alongwith Shanni, Gopi and Lavi Doctor, Sandeep Singh son of Daljit Singh called him and taking him near his milk tempo gave him

slaps and started hurling abuses at him. When he tried to stop him, he took a 'Daat' (sickle) from his tempo and hit with the same on his head. As he raised shouts, he (Sandeep Singh) fled away alongwith his weapon.

The submissions made by Mr. Manish Kumar Singla, learned counsel representing the petitioner, Mr. Naveen Sharma, learned Assistant Advocate General, Punjab and Mr. Vineet Chaudhary, learned counsel representing the complainant have been heard.

Learned counsel for the petitioner submits that based on the statement of the complainant, a First Information Report was registered under Section 324 IPC. In the medico legal report, the doctor mentioned that the injured was fully conscious and was well oriented in space and time at the time of his arrival in the hospital. The injury suffered by the injured-complainant was not stated to be 'grievous'. Subsequently, the police in collusion with the complainant has got added Section 326 IPC to the case.

Mr. Vineet Chaudhary, Advocate has filed his Power of Attorney on behalf of the complainant and opposing the instant petition, he submits that the injury suffered by the complainant, inflicted with a sharp edged weapon like 'Daat' has been declared as 'grievous' by the doctor. He produced photostat copy of the medico legal report of the complainant on record.

In the medico legal report, the injury suffered by the complainant had been described as an incised wound 11cm x 5cm, skin deep on head, starting from forehead and extending upto back of head with well defined margin. Initially, the First Information Report may have been registered under Section 324 IPC, but it is on the opinion of the doctor that

added to the case. The description of the injury in the medico legal report also indicates its seriousness being on the most vital part of the body i.e. head.

Considering the facts and circumstances and without going into the merits of the case and there being no ground for release of the petitioner on anticipatory bail, his petition is dismissed.

(SNEH PRASHAR)
JUDGE

10.11.2016
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Whether speaking/ reasoned : Yes

Whether Reportable : No