

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-8910 of 2016 (O&M)

Date of Decision: 14.3.2016

Vishal Bains

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Yogesh Goel, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

This is the second petition filed under Section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioner in case F.I.R. No.199 dated 13.11.2014 under sections 323, 326, 452, 506, 148, 149 I.P.C and cross case under sections 323, 342, 506, 148, 149, 406, 498-A I.P.C vide DDR No.20 dated 15.11.2014, registered at Police Station, Ladhawal, District Ludhiana.

F.I.R in question was registered on the statement of Mandeep. Complainant had alleged that he was married with Tina daughter of Prem Lal in the year 2009. Occurrence is alleged to be of 10.11.2014 when an argument took place between the husband and wife and at that point of time Tina is stated to have telephoned her brother namely Vishal Bains i.e. the present petitioner. Precise accusation is that the present petitioner arrived at the spot armed with a *Kirpan*. A *Kirpan* blow was aimed at the head of the complainant i.e. Mandeep and which landed on his left wrist. Present petitioner is also stated to have given a *Kirpan* blow on the father of the complainant and which hit him on the left side of his back.

The petitioner had earlier filed CRM No. M-3262 of 2015 seeking concession of pre-arrest bail and the same was dismissed on

10.2.2015 in the following terms:-

“As per allegations of the prosecution, the petitioner gave grievous injuries to the complainant. The injury falls within the ambit of Section 326 of the Indian Penal Code which is punishable with life imprisonment.

So, no ground for grant of anticipatory bail is made out.

Dismissed.”

The present petition has been filed on the strength of a medical report placed on record at Annexure P-7 and in which the Board of Doctors has opined on 31.3.2015 upon examining complainant Mandeep the injury is grievous in nature, nature of weapon used is likely to be sharp edged but the possibility of injury being self inflicted/friendly cannot be ruled out.

In the considered view of this Court, the petitioner cannot be permitted to gain any mileage from such medical report. The attribution to the petitioner is categoric and specific.

Even the conduct of the petitioner does not deserve any indulgence. The first petition filed under section 438 Cr.P.C by the petitioner was dismissed by this Court on 10.2.2015. Even the report of the Board of Doctors upon which heavy reliance was placed is dated 31.3.2015. Present petition has been filed in the month of March, 2016. All this while petitioner has been evading the process of law.

Petition is, accordingly, dismissed.

At this stage, counsel would bring to the notice of this Court that Mandeep Dhariwal i.e. the complainant and against whom cross case was registered, has been granted the concession of anticipatory bail by this Court on 12.1.2016 in CRM No. M-40950 of 2015. Be that as it may, granting concession of pre-arrest bail to the complainant in the cross-case would not lessen the gravity of offence and accusations against the present petitioner.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

14.3.2016

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