

201.

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

**CRM-M-17363-2017**

Date of decision:12.07.2017

LAKHBIR SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

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Present: Mr. Manbir Singh Basra, Advocate,  
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Karan Choudhary, Advocate,  
for the complainant.

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**HARI PAL VERMA, J.** (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner, namely, Lakhbir Singh in FIR No.10 dated 18.03.2017 under Sections 328/452/323/34 of Indian Penal Code, registered at Police Station Ghuman Kalan, District Gurdaspur.

The allegation against the petitioner is that on 14.03.2017 when the complainant's aunt Balwinder Kaur had gone to Guru Ram Dass Hospital to see his father, the complainant had gone to the dairy of Major Singh son of Jaswant Singh at Kalyanpur to sell milk on his motorcycle and while he (complainant) was standing inside the dairy,

one Wassan Singh of his village called him to come outside. When the complainant came outside, he noticed Kamalpreet Singh son of Pritam Singh, Pritam Singh son of Wassan Singh and Lakhbir Singh son of Baldev Singh, residents of Bakhatpur who were standing there along with Wassan Singh. (In fact, the complainant and Kamalpreet Singh had entered into a scuffle on 13.03.2017). Due to this fact, the complainant fled away from the spot on his motorcycle and came to his house. Thereafter, all the above said accused persons entered his (complainant's) house and started giving him fist blows. He (complainant) raised *rolla* (alarm) and his grandmother, who was present in the house, became vigilant. Pritam Singh caught her from her arms and Wassan Singh and Kamalpreet Singh caught the complainant from arms. Lakhbir Singh took out a bottle of some poisonous substance from his pocket and started administering the same in the mouth of complainant. He (complainant) tried his best to save himself, but some poison entered in his mouth and he fell on the ground. When the complainant raised *rolla*, Gurmeet Singh and Jaswant Singh of his village came to the spot and on seeing them, the assailants ran away from the spot. They took the complainant to Civil Hospital, Kalanaur, District Gurdaspur.

Status report by way of affidavit of Jagbinder Singh, PPS, Deputy Superintendent of Police, Special Branch, Gurdaspur, has been filed in court today, which is taken on record. Along with the status report, certificate of Dr.A.B.Singh Multani, GAMS, MBBS (A),

Physician & Surgeon, Khaira Hospital Kalanaur (Annexure R-1) has been attached. The complainant remained admitted in the hospital from 14.03.2017 to 29.03.2017. As per the report, anything might have happened if treatment was not given to the complainant in time.

The allegation against the petitioner is serious. It is the case of the prosecution that the petitioner had administered poisonous substance to the complainant-Sukhrajpal Singh. The remaining bottle containing poison taken away by the petitioner, is yet to be recovered from him. The claim of the petitioner seeking parity with other co-accused cannot be accepted as the other co-accused have not administered poison to the complainant.

Accordingly, the petition stands dismissed.

**(HARI PAL VERMA)**  
**JUDGE**

12.07.2017  
sanjeev

Whether speaking/reasoned? Yes/No  
Whether reportable? Yes/No