

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

CRM-M-21121 of 2017

Date of decision: July 21, 2017

Tarsem Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Harvinder Singh Mann, Advocate for the petitioner.

Ms. Manjari Nehru Kaul, Addl. AG Punjab.

Mr. Dilpreet Singh Gandhi, Advocate for the complainant.

A.B. CHAUDHARI, J

This is a petition for grant of regular bail to the petitioner in FIR No.111 dated 24.09.2016, under Sections 307, 323, 324, 406, 506, 120-B of Indian Penal Code, 1860, registered at Police Station Dehlon, District Ludhiana.

This Court had rejected the earlier regular bail petition filed by the petitioner, vide order dated 24.01.2017. Learned counsel for the petitioner had argued the bail petition for some length and therefore, withdrew the said petition. Accordingly, the said petition was dismissed as withdrawn without any liberty.

Since the learned counsel for the petitioner had insisted hearing on merits of the bail petition, this Court heard the petition, though, as a matter of fact that order dated 24.01.2017 made by this Court would come in his way. Learned counsel for the petitioner

vehemently argued that the petitioner was also injured and it is thus, the cross-case and the petitioner cannot be detained in jail as an under trial since the trial will take its own time. He further submits that there is no case against the petitioner made out. He invited my attention to the nature of injury and the injury report and submits that the injuries are simple and therefore, there is no reason to deny regular bail to the petitioner. Petitioner does not have any antecedents and therefore, deserves to be granted bail.

Per contra, learned counsel for the respondents vehemently opposed the petition for bail and submit that there are serious injuries caused to the complainant-victim by means of dangerous weapon. According to the learned counsel for the respondents, petitioner who was just proceeding in his car, attack was made in such a serious manner that the complainant received grave injuries, which could have caused his death if he had not been taken for treatment.

Heard learned counsel for the rival parties and perused the injury report as pointed out to me by the learned counsel for the rival parties. The submission that the petitioner was also injured and therefore, benefit of grant of regular bail should be extended, does not appeal to me. That is the defence of the petitioner which is available during trial, but then, at this stage, the defence cannot be examined. Apart from that having gone through the medical injury report, I find that the injuries caused by the petitioner are serious. The petitioner forcibly stopped the car of the complainant and entered into the car and assaulted the complainant by means of hammer giving blows on

his head repeatedly. There are six injuries caused to the head as is seen from report of L.M. Civil Hospital, Ludhiana. Looking to the nature of injuries, I find that the complainant could have save only because of receiving the medical treatment. The act of the petitioner of repeatedly hammering on the head is cruel and therefore, I do not think the petitioner deserves to be released on regular bail.

In that view of the matter, this petition stands dismissed.

(A.B. CHAUDHARI)
JUDGE

July 21, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No