

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

CRM-M-25999-2017 (O&M)

Date of decision : 27.09.2017

Devinder Singh @ Binder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Sonu Kaur, Advocate,
for Mr. A.S. Mann, Advocate,
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab,
assisted by ASI Bhupinder Singh.

Mr. Gautam Thapar, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.44 dated 10.06.2017, registered under Sections 341, 323, 506, 326, 325 and 354-D read with Section 34 of the Indian Penal Code, (for short, 'the IPC') and Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short, the SC&ST Act), at Police Station Boha, District Mansa.

Contentends that the petitioner has no role whatsoever in the alleged occurrence. He has been falsely implicated for videographing the incident that took place between co-accused Sshagandeep Singh @ Shagni

and the complainant. No case under Section 326 IPC is made out. In fact, the incident constituted offence under Section 325 IPC, which is bailable. There is no evidence which makes out a case against the petitioner under the SC&ST Act.

On the other hand, learned State counsel, on instructions, submits that the petitioner along with co-accused Shagandeep Singh caused injuries to the complainant as well as the husband of the complainant, namely, Jagdev Singh, while they were standing in front of their house. The petitioner has given two injuries on the person of Jagdev Singh, one on the left eye and the other on his little finger, whereas, co-accused Shagandeep Singh caused head injury to the complainant with iron rod. There is a specific averment that the complainant and her husband were abused in the name of caste by the petitioner.

Heard.

Keeping in view the nature and seat of injuries and the specific averment that the petitioner abused the complainant in full public view, therefore, the Court feels that no case for bail is made out.

Dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion of the Court, on the merits of the case.

27.09.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No