

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

CRL. MISC. No.M-33429 OF 2017
DATE OF DECISION : 25th SEPTEMBER, 2017

Sunil

.... Petitioner

Versus

State of Haryana

.... Respondent

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

* * * *

Present : Mr. Manoj K. Tanwar, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

This is third petition filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.222 dated 12.05.2017 registered under Sections 323, 324, 506 & 34 IPC (Section 326 IPC added later on) at Police Station Sampla, District Rohtak.

Heard learned counsel for the rival parties.

Learned counsel for the petitioner vehemently argued that FIR shows that petitioner-Sunil had allegedly given *farsha* blow on under arm of Bani Singh and therefore, injury cannot be said to be serious or dangerous to life. This Court had earlier granted bail to co-accused Amit, looking to the limited role namely that he had given a blow on the palm of left hand but upon hearing learned counsel for the State this Court was inclined to reject the anticipatory bail petition qua Sunil the present petitioner. However, the counsel sought permission to withdraw. Hence the petition was dismissed as withdrawn vide order dated 06.07.2017 qua

petitioner-Sunil. The petitioner filed another petition within twenty days for anticipatory bail. Since the earlier petition was withdrawn by him without liberty to apply for bail in the absence of any subsequent event, this Court rejected the second petition vide order dated 01.08.2017. The petitioner then approached the Apex Court and the Apex Court observed that this Court should have decided the application on merits and therefore the petitioner was granted liberty to file one more application. That is how petitioner-Sunil has filed this third petition for grant of anticipatory bail.

Be that as it may. The counsel for the petitioner has been heard again on merits as ordered by the Apex Court.

Investigating officer is present with the learned State counsel. I have perused the injury report, which shows that Bani Singh was assaulted by the petitioner on right side of his face by means of *farsa*, which is a grievous injury. That obviously disfigured his face as contemplated under Section 326 IPC, which is punishable with life imprisonment. In order to verify the correctness of the submission made by counsel for the petitioner that he had given a *farsa* blow on his under arm, I have perused the deposition of Bani Singh recorded by the trial Court in which he has clearly stated that Sunil had given *farsa* blow on right side of his face which caused deep injury.

In that view of the matter, I do not think that the anticipatory bail by putting premium on his crime can be granted to him. It is clearly seen that there is evidence against the petitioner particularly because he has disfigured the face of the victim Bani Singh.

In the result, the petition for anticipatory bail is dismissed with cost of ₹500/- to be deposited by the petitioner with the trial Court, which shall be forfeited to the State of Haryana.

25th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

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