

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-42971-2016

Date of Decision: 26.04.2017

Kala Ram and another

.....Petitioners

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ramandeep, Advocate,
for the petitioners.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the State has pointed out from the FIR as also the MLR, that the injuries on the complainant are a 3.0 x 0.5 c.m. lacerated wound over the left temporo parietal region of the scalp and a 11 x 2 c.m. pinkish bruise over left side of mid back and though there is no third injury, the complainant had complained of a pain in his right mid forearm, with no external injury visible.

It is seen that what has been attributed to petitioner no. 1 in the FIR is the injury on the head, with a '*Gandasa*', though it is seen to be a lacerated wound.

Petitioner no. 2 has been attributed a blow on the arm, which if accepted, would translate into the pain in the arm.

In the aforesaid circumstances, though learned counsel for the petitioners has submitted that there being no grievous injury, it would be a

bailable offence, in the opinion of this Court, even a bailable offence does

not necessarily entitle a person to get anticipatory bail, though it may entitle him to regular bail on a petition filed under Section 439 Cr.P.C.

Hence, in view of the above, the petition qua petitioner no. 1 (Kala Ram) is dismissed and the interim order dated 03.12.2016 in his favour is vacated.

However, since there is no overt injury at all seen to be attributed to petitioner no. 2, the order dated 03.12.2016 is made absolute in his favour, i.e. petitioner no. 2 (Angrej Ram).

The petition is disposed of accordingly.

Nothing stated hereinabove will be taken to be any comment of this Court on the actual merits of the petitioners' case in his defence, but only an observation made in connection with the right of the petitioners to the concession of anticipatory bail.

(AMOL RATTAN SINGH)
JUDGE

April 26, 2017

nitin

Whether speaking/reasoned

Yes

Whether Reportable

No.