

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

**CRM NO. M-43433 OF 2017
DECIDED ON : 16.11.2017**

Gurcharan Singh

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. Akshay Bhan, Senior Advocate with
Mr. Harparteek Singh Sandhu, Advocate,
for the petitioner.

Mr. Ashit Malik, Advocate,
for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.328 dated 19.06.2017 under Sections 323/506 IPC (Section 307 IPC added later on) registered at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioner contends that although the incident is alleged to have taken place at 2.30 PM on 17.06.2017, the FIR was lodged on 19.06.2017 and the petitioner has also sustained injuries in the occurrence. He also contends that the dispute was over a water course and the complainant was the initial aggressor and as the petitioner had pushed the complainant in his self-defence, the complainant fell down and sustained injuries.

Learned counsel for the complainant, however, contends that petitioner is a previous convict as he had been convicted in FIR No.124 dated 16.04.2004 under Section 420 IPC registered at Police Station Pehowa. He had preferred an appeal before the Sessions Court and during its pendency, he had absented from the Court and non-bailable warrants were issued and P.O proceedings have also been initiated against him.

Learned counsel for the petitioner, however, contends that the petitioner has absented only on one occasion and that matter has been compromised.

Heard.

In the FIR, it is alleged that the petitioner, who is the sole accused had inflicted an axe blow on the head of the complainant. The medico-legal report of the complainant issued by LNJP Hospital, Kurukshetra, which is a government hospital, indicates that the complainant had received serious injury on his head. The relevant extract of the report is reproduced hereunder :-

“One lacerated wound of size 6x1 cm over left middle forehead obliquely placed bone deed profuse bleeding present. Advised x-ray and general surgeon opinion”.

The complainant is stated to have been later referred to PGI, Chandigarh and in the medico-legal case summary, it is mentioned that he had sustained '*frontal bone depressed fracture*' and the injury was declared to be dangerous to life. On

the other hand, the injuries which are alleged to have been sustained by the complainant are mere bruises/ contusions on his leg.

In view of the above, especially when the petitioner has caused a serious injury on the head of the complainant with an axe, I do not deem it appropriate to grant him the concession of anticipatory bail. Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

NOVEMBER 16, 2017
shalini

1. Whether speaking/reasoned : YES/NO
2. Whether reportable : YES/NO