

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

Crl. Misc. M-45075 of 2017 (O&M)
Date of Decision: December 02, 2017

Kartar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Nakul Sharma, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

This is a second petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.145 dated 09.06.2017, registered under Sections 379, 448, 436, 427, 511, 354-B, 323, 325, 149 of Indian Penal Code (offence under Sections 436, 325 of IPC added later on) at Police Station Sadar Ferozepur, District Ferozepur.

Counsel for the petitioner contends that the petitioner is falsely implicated in the present case due to property dispute between the parties. It is argued that there is unexplained delay in lodging the instant FIR, which falsifies the story of the prosecution. It is also contended that complainant party also caused injuries to Kammo Bai accused/non-petitioner, who was also admitted in the hospital, but strangely her statement was not recorded.

I have heard learned counsel for the petitioner and perused the

record of the case.

A reading of the FIR would go on to show that there are specific allegations against the petitioner. The role attributed to the petitioner herein is that *“he gave fist blow on the face of the complainant, due to which two of her lower side teeth were broken and then co-accused Major Singh @ Bhola gave an iron rod blow on her right hand, which landed on her middle finger and in the meantime, the petitioner brought a dang from his house and hit on her waist.....”*.

Moreover, this is the second petition that has been filed seeking the relief of anticipatory bail. Earlier also petitioner-Kartar Singh along with other co accused filed the petition for grant of anticipatory bail bearing Crl. Misc. No.M-29975 of 2017. When the said petition was taken up for hearing, while arguing the case on behalf of all the petitioners, learned counsel withdrew the said petition only qua the petitioner herein, whereas, notice of motion qua the remaining petitioners i.e. petitioner No.2 to 4 was issued and they were ordered to be released on interim bail, while directing them to join the investigation. After that on their joining the investigation, the said interim order was made absolute. While arguing the instant second petition, nothing new has been pointed out or argued.

The grant of anticipatory bail is a discretionary relief and the conduct of the petitioner has to be seen as well. In view of the peculiar facts and circumstances of the present case and nature/gravity of the offence, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioner herein. Accordingly, the petition in hand is hereby dismissed, being devoid of any merits.

However, anything observed hereinabove shall have no affect on the merits of the case, which is only for the purpose of deciding the anticipatory bail application.

December 02, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No