

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-48981-2017

Date of decision: 20.12.2017

Gursamit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Amit Choudhary, Advocate for the petitioner.

RAMENDRA JAIN, J. (ORAL)

1. Prayer in the instant petition under Section 438 Cr.P.C. is for grant of anticipatory bail to petitioner-Gursamit in case FIR No. 546 dated 30.10.2017 registered under Sections 148, 149, 323, 324 and 506 IPC (Sections 325 and 326 read with Section 34 IPC added lateron) at Police Station Ratia, District Fatehabad.

2. According to the prosecution, around 5.30 P.M. on 29.10.2017, complainant-Nirmal Singh, received a telephonic call from his son Manpreet Singh that when he was in the process of driving away stray cattle from his fields, then one stray animal entered into the fields of Buta Singh, on account of which Buta Singh, his son Gursamit (petitioner herein), Simrandeep Singh, started abusing him. In the meantime, Gurmej Singh, father of the complainant also reached there and the accused party with common intention attacked on the complainant party with deadly weapons like danda, sword, iron pipe etc. and caused grievous injuries.

3. Learned counsel *inter alia* contends that the present is a case of version and cross-version. The injury attributed to the petitioner with sharp

edged weapon is on the non-vital part of injured-Manpreet Singh. No fracture was found. Nothing has to be recovered from the petitioner. Co-accused of the petitioner, namely; Buta Singh and Lakhwinder Singh, have already been granted the concession of pre-arrest bail by this Court vide order dated 28.11.2017 (Annexure P-3) passed in CRM-M-44917-2017. Thus, treating the case of the petitioner on the same parity, he may also be granted the concession of anticipatory bail.

4. Considering the overall facts and circumstances and the fact that the petitioner has been attributed a sword blow on the left hand of injured-Manpreet Singh, which is grievous in nature. His custodial interrogation is necessary as the weapon of offence has to be recovered from him. Therefore, the petitioner does not deserve the concession of anticipatory bail.

5. Dismissed.

December 20, 2017

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No