

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

CRM M-13021 of 2018

Date of decision : 04.04.2018

Balraj Singh

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. APS Sandhu, Advocate for the petitioner.

Mr. A.A. Pathak, Additional A.G. Punjab.

Mr. Jatinder Dadwal, Advocate for the complainant.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under sections 307/323/324/148/149 IPC vide FIR No. 284 dated 29.12.2017 at police station Jandiala. It has been urged before the court that there is no motive for the commission of crime. Thus, false implication of petitioner cannot be ruled out. According to learned counsel, it is a case of cross version and petitioner himself suffered four injuries in the occurrence. Thus, he is entitled to concession of bail.

Learned State counsel has vehemently opposed the prayer. He submits that in the occurrence petitioner caused injury on the head of Joginder Kaur resulting in fracture of her frontal bone on the left side of head. Said injury was declared dangerous to life. According to him, keeping in view the serious injury inflicted on the injured Joginder Kaur, petitioner is not entitled to concession of pre-arrest bail. Learned counsel for the complainant has made submission on similar lines.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was registered on the statement of Muktiar Singh. He alleged that on 28.12.2017 at about 7:30 A.M. he was attacked by petitioner, who was armed with a spade, outside his house alongwith other accused. His co-accused were also armed. Petitioner gave a spade blow which hit on the head of her sister-in-law Joginder Kaur. Due to impact, she fell down, and when complainant tried to intervene, multiple injuries were caused to him. On hue and cry being raised, all the accused fled from the scene of occurrence. Thereafter, injured Joginder Kaur was admitted to hospital on account of injuries suffered in the occurrence. FIR was registered and investigation ensued. It appears that petitioner who was armed with a spade caused injury on the head of Joginder Kaur which was declared dangerous to life.

Keeping in view the seriousness of allegations and the nature of injury inflicted on person of injured Joginder Kaur, I am of the considered view that petitioner is not entitled to discretionary relief of pre-arrest bail. Besides, his custodial interrogation may be necessary for taking the investigation to its logical end. Petition is without any merit and is hereby dismissed.

April 04, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No