

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

CRM-M No.29376 of 2018 (O&M)

Date of decision : 08.10.2018

Sangeet alias Kalu

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Parveen Kumar, Advocate for
Mr. Vikram Sheoran, Advocate for the petitioner.

Mr. C. L. Pawar, Senior DAG, Punjab.

* * *

DAYA CHAUDHARY, J.

This is the second petition filed by petitioner Sangeet alias Kalu under Section 438 of the Code of Criminal Procedure, 1978 for grant of anticipatory bail to him in case FIR No.281 dated 26.12.2016 under Sections 307, 326, 427, 323, 452, 148 and 149 of the Indian Penal Code, 1860 (for short – 'IPC') registered at Police Station – Division No.7, District Ludhiana. Earlier petition filed by the petitioner was dismissed as withdrawn on 09.11.2017.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not present at the time of the alleged incident. He has been implicated being friend of Vikas Kumar, who had got registered an FIR against the complainant party in the year 2014. The present FIR is the counter blast of said FIR. There is no

evidence to connect the petitioner with the commission of the alleged offence. The injury attributed to the petitioner has been declared simple. He has been involved on the basis of general allegations, whereas neither any particular date and time nor any specific allegation of Section 307 IPC has been mentioned.

Learned State counsel opposed the submissions made by learned counsel for the petitioner on the ground that the injury which falls under Section 307 IPC has been attributed to the petitioner. He gave two injuries, out of which one was on the head with brick and the second was with danda blow. Learned State counsel also submits that not only the grievous injuries were there on the person of the injured but intention of the accused persons was also to cause grievous injuries which attracts Sections 307 and 326 IPC. Petitioner cannot claim parity with the co-accused as simple injury has been attributed to them.

Heard arguments of learned counsel for the parties and have also perused the contents of the FIR and other documents on the file.

Perusal of the contents of the FIR shows that the petitioner and the co-accused were armed with Kirpans and Lathis. They entered into the house of the complainant and started breaking the articles lying there. Petitioner caused injury on the head of Mannu with brick/Lathi. The injured fell down and became unconscious. Thereafter, co-accused Sandeep attacked the brother-in-law of the complainant with Kirpan on his head and caused injury with intention to kill him. Accused persons gave beatings with sticks/Lathis which they were holding and articles lying in the house

were broken. All the accused attacked the complainant, Anil and Salim with intention to kill them. The Lathi blow on the head of injured Mannu has been attributed to the petitioner and said injury has been declared grievous.

Earlier petition filed by the petitioner was dismissed as withdrawn only on the ground that MLR was not attached with the petition and liberty was given to file fresh one. Now the MLR conducted on 25.12.2016 has been annexed with the petition.

For grant of anticipatory bail, nature of injuries, gravity of offence as well as role of the accused is to be seen.

Accordingly, by considering the nature of injuries, gravity of offence as well as role of the petitioner, no ground is made out to release him on anticipatory bail and the present petition being devoid of any merit is hereby dismissed.

08.10.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No