

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

**CRM-M-33085-2018 (O&M)**

**Date of Decision:05.09.2018**

Surinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI**

Present : Mr. R.S. Bajaj, Advocate  
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

**P.B. BAJANTHRI J. (Oral)**

**CRM-30871-2018**

The application is allowed as prayed for. Counter affidavit of petitioner in response to the affidavit dated 29.08.2018 filed by Sh. Surinder Kumar DSP Adampur, District Jalandhar is taken on record subject to all just exceptions.

**Main case**

In the instant petition, petitioner has sought for anticipatory bail under the provisions of Section 438 Cr.P.C in case FIR No.9 dated 7.7.2018 registered under Sections 326/324/323/148/149/120-B IPC at Police Station Patara, District Jalandhar.

2. Learned counsel for the petitioner submitted that nature of injuries are simple and on the non-vital part of the body. It is further contended that even though offence under Section 326 IPC was added but having regard to the nature of injuries Section 326 IPC is not attracted. Hence, petitioner is entitled to anticipatory bail. It was also contended that he would join the investigation.

3. Per contra, learned State counsel while resisting the petitioner's

contention submitted that where offence under Sections 325 or 326 IPC are involved, the same cannot be looked into in respect of consideration of anticipatory bail to an accused. It was further submitted that weapons are to be recovered. Some of the injuries are grievous in nature on the face of the record. Only during trial, it could be agitated whether it is grievous injury or simple injury. The same cannot be examined at this stage. It was also submitted that five accused are involved and out of which three are known including the petitioner and two are unknown persons. Therefore, petitioner's custodial interrogation is required.

4. Heard the learned counsel for the parties.

5. Having regard to the nature of injuries read with the offence under Section 326 IPC, question of extending the concession of anticipatory bail to the petitioner do not arise. Moreover, the State has filed written statement wherein they have contended that custodial interrogation is required; weapons are to be recovered and other information/whereabouts of the accused etc are also required.

6. In view of the above facts and circumstances, petitioner has not made out a case.

7. Accordingly, petition stands dismissed.

05.09.2018  
rajeev

**(P.B. Bajanthri)**  
**Judge**

**Whether speaking/reasoned**                      **Yes/No**

**Whether reportable**                              **Yes/No**