

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35490-2018 (O&M)
Date of Decision:-27.08.2018.

Punjab Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Sanjeev Kumar Arora, Advocate for the petitioner.

Mr. Nikhil K. Chopra, Additional A.G. Punjab.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has sought for anticipatory bail under the provisions of Section 438 Cr.P.C. in case FIR No.155 dated 4.12.2017 under Sections 452/324/323/34/325 and 326 IPC (Sections 325 and 326 IPC added later on), registered at Police Station Mamdot, District Ferozepur.

2.) Learned counsel for the petitioner submitted that there was a group clash between the petitioner and others wherein petitioner was himself injured with 7 injuries. On the other hand, complainant suffered 5 injuries, whereas the petitioner has caused only 1 injury. Therefore, petitioner is entitled to the benefit of anticipatory bail having regard to the above facts.

3.) *Per contra*, learned State counsel submitted that injury No.1

which has been caused by the petitioner on the complainant would fall under Section 326 IPC. Therefore, rightly, Sessions Court has rejected petitioner's bail application on 01.08.2018 as custodial interrogation is required for recovery of kirpan and elicit certain information.

- 4.) Heard the learned counsel for the parties.
- 5.) Irrespective of injuries on the petitioner, this Court has to take note of the role played by the petitioner in causing injury on the complainant. Perusal of the record, it is evident that injury No.1 is stated to have been caused by the petitioner with '*kirpan*' which would fall under Section 326 IPC and it has been rightly taken note of by the Sessions Court while passing order on 01.08.2018. Thus, petitioner has not made out a case so as to seek anticipatory bail.
- 6.) Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

August 27, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.