

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

CRM-M-38969-2018 (O&M)

Date of Decision:-26.09.2018

Rajinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sushant Kareer, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. A.G., Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of anticipatory bail in respect of FIR No.129 dated 18.07.2018 under Section 307 of Indian Penal Code, 1860, Police Station Division No.3, Ludhiana.

Mr. Ashish Aggarwal, Advocate puts in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.

The FIR was registered at the instance of Sanjiv Kumar wherein it has been alleged that on 11.07.2018 the complainant visited the factory of his father-in-law situated in Ludhiana and while he was present there and talking to his father-in-law and also to his elder brother-in-law Mahinder

Kumar, his younger brother-in-law Rajinder Kumar (petitioner) came there and they started talking to each other. It is alleged that Rajinder Kumar, however, started abusing his father-in-law and threatened to kill him. The complainant however tried to reason out with Rajinder Kumar but to no avail. Rather Rajinder Kumar became angry and took out a sharp knife like object from his shirt and attacked the complainant with the same in his stomach on the left side.

Notice of this petition was issued to respondent-State.

Learned State counsel assisted by learned counsel for the complainant have opposed the petition and prayed for dismissal of the same.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the complainant was having evil-eye on the wife of the petitioner which was objected to by the petitioner. It has further been submitted that in any case, the injury cannot be said to be dangerous to life as it is merely in the nature of small puncture. During the course of arguments, the learned counsel for the petitioner has referred to a judgment of this Court i.e. 2010(3) R.C.R. (Criminal) 395, Pritam Singh vs. State of Punjab to contend that every injury which is declared by a Doctor as dangerous to death would not comprise an offence punishable under Section 307 of Indian Penal Code, 1860.

On the other hand learned State counsel has submitted that the injury has been caused on a vital part and has been specifically declared by the Hospital i.e. C.M.C. Ludhiana to be dangerous to life and that in these circumstances, there is no special case for grant of anticipatory bail to the petitioner.

I have considered the aforesaid submissions and also perused the cited judgment. In the present case apart from the fact that the Doctor has opined the injury to be dangerous to life, the manner in which the same was caused and the seat of the injury i.e. stab wound in the stomach of the injured with the help of a sharp knife like object would *prima facie* suggest that the same was caused with an intention to cause death. As such, the aforesaid judgment is not of much avail to the petitioner. The weapon of offence is yet to be recovered. In view of the aforesaid factual position, I do not find any special case for grant of anticipatory to the petitioner. There is no merit in this petition and the same is hereby dismissed.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

26.09.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No