

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

CRM-M-40284-2018 (O&M)

Date of decision:- 20.9.2018.

Kalu Singh @ Kuldeep Singh

.....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: - HON'BLE MR. JUSTICE KULDIP SINGH.

Present: - Mr. Judgepreet Singh Warring, Advocate for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

KULDIP SINGH J. (ORAL)

Heard.

This is a petition filed under Section 438 of the Criminal Procedure Code for grant of anticipatory bail in case FIR No. 49 dated 21.5.2018 under Sections 324, 323 read with Section 34 of the Indian Penal Code, later on added Section 326 of Indian Penal Code, registered at Police Station Jaito, District Faridkot (Annexure P-1 and P-2) respectively.

Petitioner is alleged to have given a *kappa* blow to the complainant-Desh Singh as a result of which his ear was cut off from the upper side. The role attributed to the co-accused is that he caught hold of the complainant and gave danda blows.

Learned counsel for the petitioner contends that co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 7.9.2018 in *CRM-M-39241-2018* titled as *Ruldu Singh and another versus State of Punjab*.

However, I am of the view that in this case main injury under Section 326 of the Indian Penal Code has been attributed to the petitioner. Though, initially police registered a case for bailable offence, however from day one, Section 326 of the IPC was attracted. Even if it is assumed that the complainant had consumed liquor that does not justify the cutting of the part of the ear. Kappa is yet to be recovered.

No ground is made out to grant anticipatory bail to the present petitioner.

Dismissed.

(KULDIP SINGH)
JUDGE

20.9.2018
preeti

whether speaking/reasoned
whether reportable

yes
no