

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

216

CRM-M-40872-2018 (O&M)

Date of decision:21.09.2018

Happy @ Harpreet Singh

...Petitioner

Versus

State of Punjab

.... Respondent

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

Present: Mr. Kamalpreet Bawa, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

P.B. BAJANTHRI, J. (ORAL)

In the present petition, petitioner seeks anticipatory bail under the provision of Section 438 Cr.P.C. in FIR No.74 dated 03.04.2018 under Sections 307, 148, 149 IPC registered at Police Station City South Moga, District Moga.

2. The alleged allegation against the petitioner is that petitioner and others have attacked one Jaspal Singh and caused number of injuries as per the MLR No. 35045 consists of 2 injuries where Doctor has opined that it is dangerous to life. Learned counsel for the petitioner submitted that injuries stated to have been caused by him are simple injuries as is evident from the subsequent Doctor's opinion. Therefore, he is entitled for anticipatory bail.

3. On instructions of ASI Kulwant Singh, learned counsel for the respondent-State while resisting the learned counsel for the petitioner's contention submitted that in order to murder Jaspal Singh more than 2 persons are involved in the alleged crime. One of the injury is dangerous to his life which is attributed to one Gurjant Singh who is stated to be brother

of the petitioner. There is specific attribution to the petitioner and he was member of unlawful assembly. So, the petitioner's role cannot be segregated. Learned counsel for the respondent further submitted that petitioner is involved in another FIR No.31 of 2018 under Sections 323, 324, 325 IPC, registered at Police Station City South Moga. Taking into consideration the motive of the petitioner's read with injuries and the offence, petitioner is not entitled for anticipatory bail.

4. Heard learned counsel for the parties.

5. No doubt petitioner is alleged to have caused simple injury at the same time one cannot lost the sight relating to motive of the petitioner and others in attempt to murder of the injured person-Jaspal Singh to the extent of causing injury which is dangerous to his life. Therefore, Section 148, 149 IPC is required to be taken into consideration for the purpose of examining whether petitioner is entitled to anticipatory bail or not. In view of the offence under Sections 307 read with 148 and 149 IPC and the fact that petitioner is involved in another case, he is not entitled to anticipatory bail.

6. Accordingly, petition stands dismissed.

21.09.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No