

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

**CRM-M No.49457 of 2018 (O&M)  
Date of Decision: 21.11.2018**

Balwinder

..... Petitioner

*Versus*

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. R.S.Sihota, Senior Advocate assisted by  
Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana for the respondent/State.

Mr. G.S.Sandhu, Advocate for the complainant.

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**MAHABIR SINGH SINDHU, J. (Oral)**

Present petition under Section 438 of the Code of Criminal Procedure (Cr.P.C.) has been filed for grant of anticipatory bail to the petitioner in case FIR No.418 dated 28.06.2018, under Sections 148, 149, 323, 324, 325, 427, 452 and 506 of the Indian Penal Code (Section 307, IPC was added later on), registered at Police Station Gharaunda, District Karnal (Annexure P-1).

It is argued by learned Senior Counsel for the petitioner that nature and manner of the weapon used for causing the injuries are to be seen after investigation and, therefore, it is not justified to express any opinion at this stage and deny the pre-arrest bail to the petitioner.

On the other hand, learned State Counsel has opposed the bail application and submitted that petitioner has caused injury with a *Gandasi*.

Heard both sides and perused the record.

In the FIR, there is specific allegation that during occurrence on 26.06.2018, present petitioner, namely, Balwinder gave a *Gandasi* blow on the head of Sultan and Medico-Legal Report (MLR) of the injured is placed on record as Annexure P-2. Perusal of the same reveals that injury No.1 is grievous in nature and that was kept under observation. Still further, affidavit filed by the DSP, Gharaunda, District Karnal (Annexure P-4) says that doctor declared the injured-Sultan Singh unfit for making the statement even on 27.06.2018. It means the condition of the injured was very serious due to the injury caused by the petitioner.

In view of above, custodial interrogation of the petitioner is required, hence, no ground for grant of pre-arrest bail is made out. Consequently, the present petition is dismissed.

The above observations may not be construed as an expression of opinion on merits of the case.

November 21, 2018

Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | No  |