

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-49924 of 2017 (O&M)
Date of Decision: 08.01.2018

Gurdial Singh @ Happy

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Gautam Thapar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

The instant petition has been filed under Section 438 Cr.P.C seeking concession of pre-arrest bail to the petitioner in case F.I.R. No.136 dated 16.10.2017 under sections 323, 324, 506, 34 I.P.C (section 326 I.P.C was added later on), registered at Police Station, Division No.2, District Pathankot.

Learned counsel for the petitioner has been heard at length.

Briefly noticed, FIR came to be registered on the statement of Sahil Kumar son of Rakesh Kumar. Allegations pertain to an occurrence that took place on late night hours of 30.9.2017.

The specific and categoric allegation against the petitioner is of being armed with a *datar* and having aimed a *datar* blow on the head of the complainant and who in defence having raised his hand, the *datar* blow landed on the fingers of the left hand and which resulted in chopping off of the little finger. Perusal of the FIR would also indicate the motive behind the alleged occurrence.

Counsel would contend that co-accused Ratan Singh son of Maghar Singh and Sarabjit Singh @ Sabbi son of Ratan Singh have been granted concession of anticipatory bail. Such contention would not enure to

the benefit of the petitioner as role of the present petitioner is completely distinct. In so far as co-accused Ratan Singh is concerned, he was attributed exhortation/*lalkara* but no injury, as such, is attributed. As far as Sarabjit Singh @ Sabbi is concerned, he is alleged to have manhandled Ganesh Kumar i.e. uncle of the complainant and who, otherwise, has not suffered any injury.

Keeping in view the specific allegations against the present petitioner and of having caused grievous injury on the person of the complainant and which has attracted offence under Section 326 I.P.C, this Court is not inclined to extend in favour of the petitioner the concession of pre-arrest bail.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

08.01.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No