

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-5588-2019 (O&M)  
Date of Decision:- 21.2.2019

Raj Kumar

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

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**GURVINDER SINGH GILL, J.(Oral)**

By way of filing this petition, the petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.66 dated 1.11.2018 at Police Station Purana Shalla, District Gurdaspur under Sections 324 and 34 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.

The FIR was lodged at the instance of Sarwan Kumar, wherein it has been alleged that he stores his manure near outer road of the village. It is alleged that Raj Kumar @ Raju alongwith his wife Rozi was trying to spoil the said stored manure by spreading the same here and there and when he objected to the same, Raj Kumar @ Raju gave a blow with a 'spade' hitting the complainant on his forehead. It is further alleged that Rozi, wife of Raj Kumar @ Raju also hurled abuses and when the complainant raised alarm, the complainant's wife and father reached at the spot and Raj Kumar @ Raju and his wife Rozi fled away from the spot while hurling abuses.

The learned counsel for the petitioner has submitted that the injury allegedly sustained by the complainant could have been a result of fall and that, in any case, even if the contents of the FIR are taken to be correct, still it is a case of a single injury only and in these circumstances, the petitioner deserve the concession of bail.

Opposing the petition, the learned State counsel has submitted that as per MLR, the injury found on the forehead of the complainant was an incised wound and has been declared as 'grievous' and that in these circumstance, the petitioner does not deserve the concession of anticipatory bail.

Having considered rival submissions addressed before this Court and bearing in mind the nature and seat of injury, this Court does not find it to be a special case for grant of anticipatory bail. The present petition is sans any merit and the same is hereby dismissed.

However, in case the petitioner surrenders before the trial Court within a period of 10 days from today and applies for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously preferably within a period of four days from filing of such application.

**21.2.2019**

pankaj

**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned                      Yes / No

Whether Reportable                                  Yes / No