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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15679-2019 [O&M]

Date of Decision : July 05, 2019

Varinder Singh alias Binder Petitioner

Versus

State of Punjab Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Mohit Jaggi, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab,
for respondent-State.

Ms. Promila Nain, Advocate,
for the complainant.

SHEKHER DHAWAN, J.

Present petition under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case bearing FIR No. 0005 dated 6.1.2019 under Sections 307, 323, 427, 506, 148 and 149 IPC registered at Police Station Dehlon, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner contended that the present case is a case of version and cross-version and both the parties had sustained injuries. In fact, the complainant party had entered the godown of the petitioner and caused injuries to Basu Jindal and Divashu Garg and instead of registering FIR against the complainant party under Section 452 IPC, only cross-case under Sections 451, 325, 323, 341, 148 and 149 IPC was lodged. As per the complainant, sword blow was given whereas the

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injury caused to Deepak is a lacerated wound as is evident from copy of Medico Legal Report (MLR) (Annexure P/1). More so, the MLR is of a private hospital and the doctor had given the opinion that the injury is dangerous to life and the said medical opinion is not believable. If the injury had been given with a sword blow, then the same must have been incised wound, rather than lacerated wound. Co-accused Basu Jindal and Divashu Jindal were arrested and they were granted regular bail vide order dated 27.2.2019 (Annexure P/2). The petitioner is ready to join the investigation. So, he be released on pre-arrest bail.

3. Learned State counsel as well as learned counsel for the complainant while opposing the bail application, contended that as per medical report of Deepak, the nature of injury No.1, which was on the head, was 10 cm x 2 cm on right fronto parietal area of scalp with fresh bleeding. The said injury was declared to be dangerous to life. The petitioner is required for the purpose of effective investigation.

4. Taking into consideration that by now injury No.1 caused to Deepak is reported to be dangerous to life which is otherwise on the scalp and the size of the wound is 10 cm x 2 cm and the same injury is attributed to the present petitioner, as such, no case is made out for grant of pre-arrest bail to the petitioner.

5. In view of the above, there is no merit in the present petition and the same stands dismissed.

(SHEKHER DHAWAN)
JUDGE

July 05, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	No