

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

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CRM-M-42477-2018 (O&M)

Date of Decision : 12.4.2019

Tirath Singh

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. B.K.Mehta, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. M.S.Bhullar, Advocate
for respondents No. 2 to 4.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has prayed for quashing of the orders dated 29.6.2018, 7.7.2018, 7.8.2018 and for cancellation of anticipatory bail granted to respondents number 2 to 4 in FIR No. 70 dated 10.6.2018 under Sections 325, 323, 120-B, 148, 149 IPC (Section 307 IPC was added subsequently.)

Counsel for the petitioner has argued that one of the persons to whom anticipatory bail was granted, was stated to have been main motivator who had made 'lalkara.' The second person to whom the anticipatory bail was granted was attributed injuries on the arms with base ball bat (but he is stated to have suffered grievous injuries to himself) and the third person who was granted anticipatory bail on the ground that the injuries attributed to him were on the leg. The fourth person to whom serious head injury was attributed is still evading arrest and has not filed application for anticipatory

bail. It is also pertinent to mention here that bail was granted to three private respondents in the month of July 2018. He has further argued that though there is no allegation that theses persons have mis-used the concession of bail yet the fact of the matter is that there were certain relevant issues which were not brought to the notice of the Court or were not considered by the Court. As per him, the fact that persons to whom bail was granted were already accused in many cases (including Section 307) was not brought to the notice of the Court. The Court also erred in not considering the nature of the head injury which attracted Section 307 IPC.

In my considered opinion, though it may be correct that the private respondents were accused in many other cases was not brought to the notice of the Court yet it cannot be lost sight of that there is no allegation that these private respondents are convicts. As regards the argument that the seriousness of the head injury was not considered by the Court, the fact remains that the person to whom that injury was attributed has not been granted bail.

In the totality of the circumstances, I do not deem it appropriate to cancel the different impugned bail orders passed by the Courts below. Consequently, the petition stands dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands dismissed.

12.4.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No