

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-28948 of 2019

Date of decision:18.7.2019

Deepinder Singh

... Petitioner

versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

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

...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks the concession of anticipatory bail he having been arraigned as an accused in FIR no.60 dated 13.6.2019 registered at Police Station Sadar Ahmedgarh, District Sangrur, alleging therein the commission of offences punishable under Sections 452/323/506/34 of the IPC.

Learned counsel for the petitioner first submits that this Court having granted anticipatory bail to a co-accused, i.e. Ranjit singh, the petitioner being on the same footing deserves the same concession.

Having considered the matter, it is first to be noticed that the aforesaid Ranjit Singh and one Gurmukh Singh had filed CRM-M-27428 of 2019, which came up for hearing before this Court (this very Bench) on 4.7.2019.

The petition qua Gurmukh Singh had been dismissed, the injury attributed to him having been shown to have resulted in a fracture of the ulna.

As regards Ranjit Singh, he was shown to have been carrying a

stick, with he and his co-accused, i.e. the present petitioner and the aforesaid Gurmukh Singh, all having allegedly attacked the complainant.

While granting the concession of anticipatory bail to Ranjit Singh, this Court had done so on two considerations, i.e. that simple injuries were attributed to him and because he was also shown to be 58 years old.

As regards the role of the petitioner herein, Deepinder Singh, he is shown to be armed with a spade, and even though no grievous injury is shown to be attributed to him, he also being not an elderly man (the reason for admitting Ranjit Singh to bail), I see no reason to grant him the same concession.

Learned counsel submits that the offence being a bailable one, the petitioner deserves to be admitted to bail. His argument is not acceptable in the case of a petition seeking anticipatory bail because on that reasoning, any person accused of having caused only a simple injury, would claim the concession of pre arrest bail as a 'birth right', after which he may have perhaps never ever suffer even a day of custody, even after conviction if the period of imprisonment ordered is less than three years, suspension of sentence being available to such a convict, of course looking at the other circumstances of each case and the antecedents of each convict.

Undoubtedly, the petitioner has only been accused of having attacked the complainant with a spade and having caused minor injury/injuries to him along with his co-accused, (Gurmukh Singh allegedly having caused a grievous injury). However, it not being a case of a cross-version where the accused have also received injuries, and the allegation against the petitioner being that he was armed with a spade and hit the

complainant, at least as regards the concession of anticipatory bail, I do not consider it appropriate to grant him the said concession.

Consequently, this petition is dismissed. However, nothing stated herein above will be taken at any stage to be a comment on the merits of the case for or against the petitioner, even for the purpose of granting 'regular bail' to him under the provision of Section 439 of the Cr.P.C., if at all he is arrested and seeks such a concession.

18.7.2019  
pk/dinesh

**( AMOL RATTAN SINGH )**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No