

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30409 of 2019

Date of Decision: 08.11.2019

Shri Ram

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

Mr. Jasraj Singh, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.63 dated 25.03.2018 registered for offences punishable under Sections 323, 452, 148 and 149 of Indian Penal Code, at Police Station Garshankar, District Hoshiarpur. (Offence punishable under Section 326 IPC was added later on).

Heard.

Earlier petition (CRM-M-20697-2018) filed by the petitioner seeking anticipatory bail was dismissed vide order dated 16.05.2018 keeping in view his role in the occurrence and nature of injuries attributed to him. It was specifically observed by coordinate Bench that no ground is made out to release him on anticipatory bail.

Thereafter, the petitioner moved application before the Apex Court, which was also dismissed and the petitioner was granted four weeks' time to surrender.

Learned counsel for the petitioner submits that after dismissal of

earlier bail application (CRM-M-20697-2018), there is change of circumstance to the effect that occurrence is not found to have taken place in the house of complainant. DSP, Garshankar on enquiry has found that it was a case of fight in the street and made recommendation for deletion of Section 452 IPC in this case and also in cross-case.

Learned State counsel on instructions from ASI Jasbir Singh submits that after dismissal of earlier bail application (CRM-M-20697-2018), there is no change of circumstance against the petitioner. Offence punishable under Section 452 IPC has been recommended to be deleted but the injury on the eye of complainant-Raj Kumar has been attributed to petitioner.

Learned counsel for complainant submits that injury caused by the petitioner was severe and had resulted in removal of eye of complainant thereby badly effected his vision.

Keeping in view submission of learned counsel for the petitioner and learned State counsel assisted by learned counsel for complainant, I find no change of circumstance after dismissal of his earlier bail application on 16.05.2018. There is no report that version of complainant attributing eye injury to petitioner was found false. The petitioner was directed by the Apex Court vide order dated 29.05.2018 to surrender within four weeks but till date he has not surrendered and the police appears to have not made any serious attempt to arrest him.

Finding no merit in this petition the same is dismissed.

November 08, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No