

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

212)

CRM-M-34741-2019 (O&M)

Date of Decision: 13.09.2019

Jatan @ Yati Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sarju Puri, Advocate, for the petitioner.
Mr. Rajat Bansal, AAG, Punjab

Amol Rattan Singh, J. (Oral)

Though Mr. Sarju Puri, learned counsel for the petitioner, has very strenuously argued that the petitioner only having been attributed a role of allegedly holding the arms of the complainant, when his co-accused Vikas is stated to have inflicted '*kirch*' blow injuries on the head and hand of the complainant, and therefore he deserves to be admitted to anticipatory bail, as has been another co-accused, Manpreet @ Manna, who had filed CRM-M-29471 of 2019, however, in my opinion, there being an active role attributed to the petitioner in allegedly facilitating the commission of crime by his co-accused, Vikas @ Bobby, no parity can be drawn with the case of the aforesaid Manpreet @ Manna, to whom fist blows on the back of the complainant were attributed (even though at that time the MLR may not have been shown to this court).

Though Mr. Puri has argued that no offence punishable under Section 307 of the IPC is made out, yet, in my opinion, even if the injuries stated to have been sustained by the complainant eventually are found to be

only in respect of an offence punishable under Section 326 of the IPC (and not under Section 307 thereof), the petitioner cannot be entitled to the concession of anticipatory bail.

Consequently, while dismissing this petition, it is also observed that nothing stated hereinafore shall be taken to be an observation on the merits of the case for or against the petitioner, or other co-accused of the petitioner, which would be gone into by the investigating agency itself and the trial court (if it comes to that stage) or even an observation in the context of the application seeking bail in terms of Section 439 of the Cr.P.C., if he is arrested at any stage.

Any such application would be decided on its own merits.

(AMOL RATTAN SINGH)
JUDGE

13.09.2019
vcgarg

Whether reasoned/speaking: Yes
Whether reportable: No