

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

105

CRM-M-35693 of 2019

Date of decision:11.9.2019

Raj Kapoor

... Petitioner

versus

State of Haryana

... Respondent

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

Present: Mr.T.P.S.Teji, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

The allegation against the petitioner being that he had inflicted a knife blow resulting in an incised wound on the face of his own brother, I see no ground to grant him the concession of anticipatory bail.

Learned counsel for the petitioner firstly submits that the petitioner having earlier been admitted to bail by the Sub Divisional Judicial Magistrate, Meham, on 29.5.2019, subsequently upon an offence punishable under Section 326 of the IPC having been added in the FIR, his petition seeking anticipatory bail was dismissed by the learned Sessions Judge, Rohtak, on 5.8.2019.

He further submits that the knife with which the petitioner is alleged to have inflicted wounds on his brother, having been recovered, there would be no reason for refusing him the concession of anticipatory bail.

Having considered the matter, what this Court is to see is not

just a question of what is to be recovered from the petitioner, which in appropriate circumstances would be a relevant factor, but also the nature of the crime alleged to have been committed and consequently as already stated at the outset of this order, the allegation being that the petitioner inflicted a knife wound blow even on the face of his brother (other than on his hand/finger), I see no reason to grant him bail on the aforesaid arguments raised.

Consequently, this petition is dismissed.

However, nothing stated herein above will be taken to be an observation of this Court on the merits of the case for or against the petitioner, which would naturally proceed as per the investigation by the investigating agency and the evidence led in the trial (if it comes to that stage).

Upon the petitioner surrendering before the trial Court and filing any application seeking bail under the provisions of Section 439 of the Cr.P.C., it would be, naturally, dealt with on its own merits.

11.9.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No