

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-42379 of 2019

Date of decision:3.10.2019

Sunny Kumar

... Petitioner

versus

State of Punjab

... Respondent

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

Present: Mr.Harjinder Singh, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that the petitioner only having been attributed an injury that was not declared to be grievous in nature, he is entitled to the concession of anticipatory bail.

Having considered the matter, what is alleged against the petitioner is to the effect that he along with 7-8 other persons attacked the complainant, with the allegation against the petitioner being that he gave a *datar* blow on the back of the head of the complainant, and that his co-accused gave a *datar* blow on the bicep of the right arm, with another co-accused, Sodhi Booh, having given a *datar* blow on the thigh of the complainant, and other persons allegedly having given kicks etc. to the complainant.

Very obviously, as per the case of the complainant, many persons attacked him with weapons; and therefore, simply because only a simple injury eventually has been attributed to the petitioner, he having gone to attack the complainant armed with a weapon (as per the case of the

complainant), in the opinion of this Court, he is not entitled to the concession of anticipatory bail at least, which is a concession granted in very rare cases.

Consequently, the petition is dismissed.

However, if the petitioner is arrested and files a petition under the provisions of Section 439 of the Cr.P.C., naturally, that would be dealt with on its own merits.

3.10.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes