

**CRM-28997-2019 in/and
CRM-M-38514-2019**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-28997-2019 in/and
CRM-M-38514-2019
Date of Decision: 19.09.2019**

Virsa Singh and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. D.S. Pheruman, Advocate,
for the petitioners.

AMOL RATTAN SINGH, J. (ORAL)

CRM-28997-2019

Pursuant to the order of this Court dated 11.09.2019, this application, has been filed, seeking to place on record the Medical Legal Report dated 24.07.2019, in respect of Joga Singh, son of Jarnail Singh, resident of Village and Post Office, Karmuwala, Police Station Chohla Sahib, District Tarn Taran, i.e. the complainant, as Annexure P-3.

The application is allowed subject to all just exceptions and a copy of the aforesaid MLR is ordered to be taken on record as Annexure P-3.

CRM-M-38514-2019

Mr. Pheruman, learned counsel for the petitioners, has placed on record the MLR in respect of the injuries shown to have been sustained by the complainant, and submits that there being only lacerated wounds and therefore only the commission of an offence punishable under Section 323 of the IPC is

made out, which is a bailable offence (and in fact is non-cognizable).

He further submits that the wounds are inflicted from the reverse side of the weapons used, there being no 'incised wounds'.

However, it is also seen that as per the FIR the petitioners along with three other co-accused are alleged to have come to the house of the complainant armed with '*datars*', '*dangs*' and '*kirpans*', with the petitioners alleged to have caused two injuries in question with the '*datar*', with an offence punishable under Section 452 of the IPC therefore also alleged to have been committed.

Having considered the matter and it not being shown that there was any injury on the side of the petitioners or any of their co-accused, so as to raise a doubt as to which was the 'aggressor party', and an offence under Section 452 of the IPC having also been added in the FIR, I see no ground to entertain this petition seeking anticipatory bail.

Consequently, the petition is dismissed.

However, in the event of the arrest of the petitioners, if they file petitions under the provisions of Section 439 of the Cr.P.C, those would be dealt with wholly on their own merits, the parameters for grant of bail under both provisions being wholly different.

September 19, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes.