

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-42707 of 2019

Date of Decision: 29.10.2019

Anurag Kamboj

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

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. 7 dated 01.02.2019 registered for offences punishable under Sections 324, 353, 186, 427, 506, 148 and 149 of Indian Penal Code, at Police Station City Fazilka, District Fazilka.

2. As per case of prosecution, complainant-Dr. Kunal Kiriti Malik had dispute regarding distribution of work with sister of petitioner, who is posted as Homeopathic Pharmacist in Civil Hospital, Fazilka. The complainant has alleged that he brought to notice of senior officers the foul language used by sister of petitioner and threats given by her to falsely implicate him in some case. On 01.02.2019, complainant was in dispensary, when petitioner alongwith 5/6 persons came there. He gave a punch blow in the chest of complainant and then picked up a stool lying in the dispensary and gave a blow on his head resulting in injuries on his shoulder. Other unidentified persons also caused injuries to complainant. While leaving the

spot they also broke his mobile phone.

3. Learned counsel for the petitioner submits that complainant had been harassing the sister of petitioner, who had lodged a DDR against him. Offences in the FIR are triable by the Magistrate. Petitioner is ready to join the investigation and no recovery is to be effected from him, as such, he may be allowed anticipatory bail.

4. Learned State counsel has argued that the petitioner had no business to intervene in the dispute of distribution of work between complainant and his sister as the same was ordered by concerned senior authorities. The petitioner has caused injuries to complainant during the discharge of his duties. The complainant has suffered six injuries and the police has yet to recover the weapon of offence from the petitioner.

5. On going through facts of the case, I find that petitioner had tried to show his muscle to complainant, who is a Homeopathic Medical Officer by causing him injuries in the dispensary during his duty hours. Any DDR, even if, got registered by his sister against the complainant does not justify the conduct of petitioner.

6. Keeping in view seriousness of the offence, I find no reason to exercise discretionary power of this Court to extend the benefit of anticipatory bail to petitioner.

7. This petition has no merit and the same is dismissed.

October 29, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No