

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46552 of 2019

DATE OF DECISION: NOVEMBER 7, 2019

KUNAL SAHOTA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SIMRANJOT SINGH, ADVOCATE
FOR MR. SIMRANDEEP S. SANDHU, ADVOCATE
FOR THE PETITIONER.

MR. K.S. SIDHU, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.95 dated 21.5.2019 under Sectionss 323, 324, 326, 34 IPC, registered at Police Station Sultanpur Lodhi, Kapurthala. The petitioner apprehends arrest at the hands of the police.

The prosecution was launched on the statement of Suraj Dhir who made a statement that on 20.5.2019 at around 10.00 p.m., when he alongwith his friend Kuldeep Singh went to Tikku Dhaba for fetching some Dal, the accused-petitioner called him and asked as to why he had not wished him his Birthday. The complainant replied that he was not in talking terms with him. Then one Sonu Don pushed him and the accused-petitioner gave khanda blow on his left hand due to which, his left hand thumb got chopped-off. Co-accused Himanshu Ghai gave khanda blow on his neck and co-accused Bobby gave khanda blow on his back. The complainant

tried to flee from the spot, but another accused Ghik Sahota caught hold of him and the accused-petitioner alongwith other co-accused started giving him beatings. On hearing the cries, when Varinder Kumar, his uncle, tried to rescue him, he was also attacked with Datar by Sonu Don which hit on his fingers.

Learned counsel for the petitioner contends that the petitioner also suffered injuries in the said occurrence and a cross-version was also recorded. He submits that the petitioner deserves the concession of anticipatory bail who is ready to join the investigation.

The prayer is opposed by learned counsel for the State on the ground that in the cross-version, the nature of injuries suffered by the accused side is punishable under Section 323 IPC whereas, the petitioner is attributed injury to the victim which has invited the offence punishable under Section 326 IPC. He submits that the injured lost the thumb of his left hand which was chopped-off by the blow given by the petitioner.

Considering the role attributed and the nature of offence, this Court does not find it a fit case to grant the extra-ordinary concession of pre-arrest bail to the petitioner.

Petition is dismissed.

It is made clear that this order shall not be construed as an expression of opinion on the merits of the case.

November 7, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No