

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

CRM-M-55858-2018
Date of decision:19.03.2019

Gurmukh Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. G.S. Verma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Ms. Swati Verma, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.326 dated 25.10.2018 under Sections 308, 506, 341, 34 of the Indian Penal Code, Police Station Division No.7, Ludhiana.
1. 2. The FIR was registered at the instance of Suraj Kumar wherein he has alleged that on the day of occurrence, when he was standing in front of shop i.e. Deepak Tyre Service, then Dimple Bajwa @ Harjinder Singh, Gurmukh Singh @ Sukha, Swaran Singh @ Vicky and Daljit Singh came there in a golden coloured Innova vehicle and started arguing with him and used abusive language. It is alleged that Gurmukh Singh @ Sukha took an iron

rod from vehicle and hit the same on his head above left ear with an intention to kill him. Dimple Bajwa @ Harjinder Singh also gave blow with base-ball bat on his head as a result of which he fell down. It is further alleged that thereafter Swaran Singh @ Vicky gave brick bat blows at him while he was lying on ground which hit him on right arm. Daljit Singh @ Gosha is stated to have thrown a brick bat at the complainant hitting him on his back. When the complainant raised alarm some other persons gathered there and his brother Subhash Kumar tried to rescue him but the accused gave beatings to his brother Subhash Kumar as well. Thereafter the accused left the spot while issuing threats.

3. Learned counsel for the petitioner has submitted that even as per the FIR the petitioner is attributed an injury with the help of an iron rod to the complainant Suraj Kumar whereas Suraj Kumar has not sustained any grievous injury. It is further been submitted that although one of the injury sustained by Subhash Kumar has been opined to be grievous but said injury is not attributed to the petitioner.
4. Opposing the bail application learned State counsel assisted by learned counsel for the complainant has stated that out of the four injuries sustained by Suraj Kumar-complainant, three are still under observation. It is further been submitted that since it is the petitioner who was armed with an iron rod and had actually caused injuries to the Suraj Kumar on his head, therefore, his intention to

make an attempt to commit murder is apparent. It has further been submitted that the medical evidence in the shape of MLR of Suraj Kumar duly depicts the receipt of injury by Suraj Kumar near his ear and as such the petitioner does not deserve the concession of bail.

5. Having considered rival submissions addressed before this Court and bearing in mind that the petitioner is specifically stated to be armed with iron rod and had in fact caused an injury on the ear of the complainant and that another injury received by complainant's brother resulted a fracture on his head although not attributed to the petitioner, I do not find any special case for grant of anticipatory to the petitioner. The petition, as such, is sans merit and is hereby dismissed.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

19.03.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**