

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

**CRM-M-51197-2019**  
**Reserved on : 02.12.2019**  
**Pronounced on : 03.12.2019**

**Uma Shankar**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Ramneek Vasudeva, Advocate  
for the petitioner.

**ARVIND SINGH SANGWAN, J.**

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner in FIR No. 88 dated 19.09.2019, registered under Sections 323, 341, 506, 148, 149 of the IPC (Section 307 IPC added later on) at Police Station Sadar Rupnagar, District Rupnagar.

Learned counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of complainant Geeta Devi, it is stated that her husband Des Raj was present at home and at about 9.30 PM, he had gone outside for walk after having meal and when she heard noise outside in the street, she went there and saw that petitioner Uma Shankar along with Radhey Sham and Hari Narayan were giving beatings to her husband and he was shouting loudly for help. In the meanwhile, petitioner and Radhey Sham took the bricks, lying in the street, and threw the same on the head and body of Des Raj and Hari Narayan also took a piece of brick and threw the same on the head of Sahil Kashyap, son of the complainant. Thereafter, when the complainant rescued her husband and

brought him to her house, Suman w/o Radhey Sham and Seema w/o petitioner Uma Shankar also threw bricks and brick pieces on the complainant party and one of the brick bat hit on her. It is further stated that even the complainant party, in order to save themselves, had thrown some bricks towards the accused persons and they also received some injuries.

Learned counsel for the petitioner further submitted that the petitioner's side has also suffered injuries and it is debatable whether offence under Section 307 IPC, regarding the injury which is attributed to petitioner, is made out or not.

Learned counsel for the petitioner has referred to MLR of injured/victim Des Raj to submit that he has suffered a bluish discoloration around right eye and for the treatment of this injury, he was referred to PGIMER, Chandigarh.

Learned counsel for the petitioner has further referred to MLR of injured/victim Sahil, as per which, there is a lacerated wound of 7-8 cm long on vertex of head with fresh bleeding.

Learned counsel for the petitioner has further argued that even from the side of petitioner, Radhey Sham and her daughter Chinky sustained injuries in the incident, vide MLRs (Annexures P-5 and P-6).

Learned counsel for the petitioner has also relied upon medico case summary of PGIMER, Chandigarh wherein, with reference to injury No. 1, suffered by injured Des Raj, it was opined that the same was dangerous to life and, therefore, injury invoking offence under Section 307 IPC was attributed to petitioner.

Learned counsel for the petitioner further argued that since as per the FIR, the injury is attributed on the head of Des Raj, whereas, as per

MLR, it is on the forehead i.e. eye and the opinion was given by PGIMER, Chandigarh after a period of two months of the occurrence, the petitioner is entitled to get the concession of anticipatory bail.

After hearing learned counsel for the petitioner, I do not find any ground to grant the concession of anticipatory bail to the petitioner considering the serious allegations levelled against him in the FIR and also in view of the injury attributed to him.

Admittedly, there is an opinion from the PGIMER, Chandigarh regarding the injury, sustained by Des Raj at the hands of the petitioner, that the same was dangerous to life, on the basis of which, the police has invoked Section 307 IPC.

Accordingly, the present petition is hereby dismissed.

**03.12.2019**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*