

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

CrI. Misc. No. M-22881 of 2020  
Date of Decision: August 17, 2020

Ranjit Singh @ Pappu

.....Petitioner

versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

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Present:- Mr. Kewal Singh, Advocate  
for the petitioner

Mr. Ramdeep Partap Singh, DAG Punjab

Mr. Divjyot Singh Sandhu, Advocate  
for the complainant

**Sudhir Mittal, J. (Oral)**

The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No. 43 dated 18.06.2020, registered under Sections 307, 326, 323, 324, 341, 148, 149, 379 IPC at Police Station Bholath, District Kapurthala.

According to the FIR, the petitioner and his co-accused stopped the car of the complainant and asked him to disembark. Thereafter, injuries were inflicted upon him with sharp as well as blunt weapons. A sum of Rs. 1.5 lacs lying in the car, was stolen.

Learned counsel for the petitioner submits that to start with, neither Section 326 nor Section 307 IPC were mentioned. The incident is of 17.06.2020 and Section 307 IPC was added vide DDR dated 18.06.2020. The said injury is not attributed to the petitioner. Section 326 IPC was added vide DDR dated 22.06.2020 on account of injury No. 7 having been declared grievous. The said injury is attributed to the petitioner. However, from the MLR it is apparent that the

said injury is an incised wound on the right leg below the knee measuring 1 x 0.5 cms. It is obvious that the injury is not deep nor is it a fracture and, thus, the declaration thereof as grievous is incorrect. On a representation given by the mother of co-accused of the petitioner, the Civil Surgeon, Kapurthala constituted a Medical Board. The complainant was asked to appear before the said Board on 21.07.2020, 23.07.2020 and 29.07.2020 but he failed to appear. Thus, it is apparent that the incident had been concocted by causing self inflicted injuries because the accused have a political rivalry with the complainant. For the reasons aforementioned, the petitioner deserves to be granted anticipatory bail.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG Punjab, accepts notice on behalf of the respondent-State and waives service.

Mr. Divjyot Singh Sandhu, Advocate puts in appearance on behalf of the complainant. He submits that as many as 17 injuries were inflicted upon the complainant, out of which 8 have been caused with sharp edged weapon. Although, the head injury is not attributed to the petitioner, his actions were extremely serious. He was part of an unlawful assembly which waylaid the complainant and inflicted injuries upon him apart from stealing 1.5 lacs. Thus, the petitioner does not deserve the concession of anticipatory bail. Regarding failure to appear before the Medical Board, it has been submitted that the complainant never received any intimation to appear on 21.07.2020, 23.07.2020 and 29.07.2020. He received summons only for 03.08.2020 but he sought date on account of festival of Rakhi. He shall appear as and when called next by the Medical Board.

Undoubtedly, the head injury on account of which Section 307 IPC had been included has not been inflicted by the petitioner. However, the same does

complainant and caused as many as 17 injuries to him. Under the circumstances, it is not appropriate to segregate the injuries inflicted by the individuals.

Learned counsel for the petitioner is wrong in submitting that injury No. 7 inflicted by the petitioner is not grievous. Grievous injury is defined by Section 320 IPC and one of the 'hurts' classified as grievous is that which causes the sufferer to be in severe bodily pain for 20 days or renders him to unable to follow his ordinary pursuits. Thus, examined, injury No. 7 answers the definition of grievous hurt.

Merely because the complainant did not appear before the Medical Board on certain dates does not lead to the conclusion that injuries were self inflicted. The explanation given by the complainant is plausible and is accepted. In any case nobody can be expected to inflict 17 injuries upon himself just to falsely implicate somebody due to political rivalry.

For the aforementioned reasons, I do not find any ground to grant anticipatory bail to the petitioner. The petition is, accordingly, dismissed.

August 17, 2020

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**[SUDHIR MITTAL]**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**

**Whether Reportable : Yes/No**