

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

CRM-M-37371-2020 (O&M)

Date of decision : 23.11.2020

Bony Singh @ Manpreet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Mikhail Kad, Advocate,
Mr. Neeraj Yadav, Advocate, for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. B.S.Bhalla, Advocate, for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0121 dated 26.05.2020 registered under Sections 323, 324, 427, 506, 148, 149 of the Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Ajnala, District Amritsar (Rural).

Learned counsel for the petitioner has contended that the allegations in the FIR are highly improbable as on the alleged date of occurrence there was a night curfew in the area. It is further the contention of learned counsel for the petitioner that only a simple injury has been attributed to the petitioner. Learned counsel for the petitioner would further argue that there is a delay in lodging the FIR.

Status report has been filed by the learned State counsel, which has been sent to the VC Co-ordinator via e-mail. The same is printed and retained on the record.

Learned counsel for the State has pointed out that the complainant/injured in the present case was medico legally examined at the Civil Hospital, Ajnala by a Board consisting of three doctors vide MLR No.116/NK/CH/Ajnala/2020 dated 20.05.2020. The relevant findings were that injury No.1 shows a cut fracture on the middle phalanx of left index finger and was declared grievous in nature. Injury No.2 was declared as simple in nature.

I have heard the learned counsel for the parties.

In the present case a Board of Doctors has examined the complainant-injured on 20.05.2020 itself, which is the day after the date of the occurrence. Cogent reasons have been given in the FIR itself for the delay in lodging of the FIR. Further, the petitioner though has been attributed a simple injury but the said injury is on a vital part i.e. with a gandasi on the left side of the head.

In view of the above, I do not deem it to be a fit case for grant of anticipatory bail to the petitioner.

Dismissed.

It is, however, made clear that any observation made herein shall not be taken as an expression of opinion on the merits of the case.

November 23, 2020

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NOTE:

(ALKA SARIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No