

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

**CRM-M-15065 of 2021
DECIDED ON: 23rd April, 2021**

ARUN SAINI

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Gaurav Pratap S. Pathania, Advocate
for the petitioner.

Ms. Monika Jalota, D.A.G., Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petition under Section 438 of the Code of Criminal Procedure is filed seeking anticipatory bail in case FIR No.0131 dated 07.12.2020 registered under Sections 307, 324, 323, 341, 148, 149, 506 IPC at Police Station Taragarh, District Pathankot.

The FIR was registered at the behest of Samnit son of Hardeep Kumar. As per the FIR, on 03.12.2020, the complainant along with Kavi Raj were going to Village Ali Khan. On reaching Jaman Chowk, New Taragarh, four accused including the petitioner were standing having *datars* in their hands. The complainant was attacked, injuries were inflicted. As per the allegations, *datar* blows given by the petitioner landed

incident.

Learned counsel for the petitioner submits that there is a delay of four days' in lodging the FIR. The injury attributed to the petitioner is on non-vital part of the body. Learned counsel further submits that injuries were not serious as the doctor declared the complainant fit to record the statement. It is further argued that there was another incident occurred on 05.12.2020 and the police has not registered the version of the accused.

Learned State counsel opposes the prayer for pre-arrest bail. It is argued that Section 34 IPC is invoked. The accused with the common intention had attacked the complainant. There is a doctor's report declaring at least one of the injury dangerous to the life. It is further argued that the weapons are yet to be recovered.

Mr. Kunwar Rajan, Advocate appears for the complainant and opposes the grant of bail.

The nature of offence and the allegations levelled against the petitioner are serious. It is a group of four accused, who attacked the complainant. They were armed with sharp edged weapon, namely, *datar*. There was a free use of *datar* by the petitioner and co-accused, injuries were inflicted including one dangerous to the life. Section 34 of the IPC is invoked. Recovery of the weapon is yet to be made. There is no case made out for grant of pre-arrest bail to the petitioner.

The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

23rd APRIL, 2021
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>