

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

CRM-M-20471-2021

Date of Decision : 16.08.2021

Deepak Masih alias Deepu Masih

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Bhupinder Bir S. Randhawa, Advocate,
for the Petitioner.

Mr. H.S. Multani, Asstt. Advocate General, Punjab.

None for the Complainant.

SUDIP AHLUWALIA J. (ORAL)

The instant Petition has been filed under Section 438 of the Code of Criminal Procedure seeking Anticipatory Bail on behalf of the Petitioner in case FIR No.126, dated 30.09.2020, registered under Sections 326, 324, 323, 325, 506, 148, 149 of the Indian Penal Code, at Police Station Ghanie Ke Bangar, District Gurdaspur.

2. The Petitioner is one of ten accused persons named in the FIR.
3. Ld. Counsel for the Petitioner has contended that there is a delay of three days in lodging the FIR and that his Client has been falsely implicated in the case.
4. It has also been submitted that initially the FIR was lodged under Sections 323, 324, 506, 148 and 149 of the IPC and that the offence

under Section 326 of the IPC has been added after a lapse of one month. Ld. Counsel has further drawn attention of the Court to the fact that other accused persons, including Bittu @ Bittu Masih who had allegedly attacked the victim with a *datar* like the present Petitioner, have been granted Anticipatory Bail by the Ld. Sessions Judge, Gurdaspur in her orders passed in Bail Application Nos.91 and 125 of 2021 (Annexures P-3 and P-4, respectively).

5. This Court has perused the aforesaid orders and finds that the Petitioner cannot claim parity since the offence of causing a grievous injury by a sharp cutting weapon in the Spinal Chord of the victim has been attributed to him directly, whereas the injuries caused by other accused persons were not found to be grievous in nature. As also noted by the Ld. Sessions Judge, the weapon of offence/*datar* is yet to be recovered for which purpose custodial interrogation of the Petitioner would be necessary.

6. Considering all the above circumstances, this Court does not find any reason to grant the extraordinary relief of Anticipatory Bail to the present Petition when the grievous offence under Section 326 of the IPC has been directly attributed to him.

7. Dismissed.

August 16, 2021
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No