

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29950-2021

Date of Decision: 30.07.2021

Shiva @ Honey

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bhuwan Vats, Advocate, for the petitioner..

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in case FIR No.143 dated 22.05.2021, under Section 307/452 /324/323/34 of Indian Penal Code, 1860, registered at Police Station Phillaur, Jalandhar Rural.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and offence under Section 307 IPC was not attracted. He has stated that although his name finds mention in the FIR and the allegation qua the petitioner was that he had given a blow with datar with an intention to kill the complainant Balvir Kumar which had hit on the right side of the head but there was no intention

to kill and, therefore, Section 307 IPC was not attracted. He also further referred to the order passed qua the co-accused namely Taaro @ Tara Rani in which interim protection was granted.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it was serious case and the petitioner was not at parity with the co-accused namely Taaro @ Tara Rani because to the other co-accused namely Taaro @ Tara Rani the only role attributable was that she had raised lalkara and no injury was attributable to her and, therefore, the petitioner is not at parity with the said co-accused namely, Taaro @ Tara Rani. He has submitted that the matter is still at the investigation stage and recovery is yet to be made from the petitioner. The learned State counsel submitted that the FIR was lodged on 22.05.2021 and the petitioner is still absconding and his custodial investigation is required in the present case.

I have the heard learned counsel for the parties.

So far as the parity of the petitioner with the other co-accused namely Taaro @ Tara Rani is concerned, a perusal of the order passed while granting interim protection to co-accused Taaro @ Tara Rani as well as a perusal of the FIR would show that the only role attributable to the aforesaid Taaro @ Tara Rani was raising of lalkara and no injury was attributable to her and, therefore, she was granted interim protection. However, in the present case, the perusal of the FIR would clearly show that a role attributable to the petitioner was that he had allegedly attacked the complainant Balvir Kumar alongwith other persons with a datar in his hand with intention to kill, on his head which hit on the right side of his head and

then he again gave two blows with the back side of datar which hit upon his right shoulder and right cheek. A perusal of the MLR (Anneuxre P-2) would also show that injuries have been caused over the scalp, over frontal bone right side above the eye about 5 to 6 cm and the injury is about 6 to 7 cm. deep upto muscle. Therefore the petitioner is not at parity with the co-accused Taaro @ Tara Rani. The arguments raised by the learned State counsel that the custodial interrogation of the petitioner is required in view of the fact that not only the petitioner but the other persons who were accompanying him had also attacked Balvir Kumar and serious injuries have been caused to him and recovery of weapon is till to be effected, does carry some weight.

In view of the above, I do not find any merit in the present petition.

Consequently, the present petition is hereby dismissed.

30.07.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No