

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

Sr.No.208

**CRM-M No.36174 of 2021
Date of Decision: 10.11.2021**

Harpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. D.S. Pheruman, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, Assistant Advocate General, Punjab
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case registered vide DDR/Rapat No.36 dated 07.07.2021 at Police Station Khem Karan, District Tarn Taran, under Sections 323, 324, 326, 447, 427, 511, 148, 149 IPC as the cross-case in the FIR bearing No.44 dated 06.07.2021 registered at the same police station, under Sections 307, 326, 325, 324, 323, 148, 149 IPC, the petitioner has moved this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the subject DDR, are that the petitioner and his co-accused, caused injuries to complainant Surjeet Singh with weapons like '*datar*', '*barchi*' and baseball bat etc.

Learned State counsel has submitted the status-report on behalf of the respondent-State, by way of the affidavit of Deputy

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Superintendent of Police, Sub-Division Valtaha, Camp at Bhikhiwind, District Tarn Taran as well as Annexures R-1/T and R-2/T, along-with the vernacular versions thereof, in the Court and these documents are taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that injury No.1 on the left shoulder of the said injured, as allegedly caused by the petitioner with '*datar*', is mentioned as stab wound in his medico-legal report whereas such injury cannot be inflicted with the afore-said weapon and the present DDR is, in fact, a counter-blast to the above-mentioned FIR and moreover, the co-accused of the petitioner named Jeon Singh has already been granted the relief of interim bail by this Court vide the order Annexure P-6 as passed in CRM-M No.33992 of 2021 and in these circumstances, the petitioner deserves the relief as prayed for in the present petition.

Per contra, learned State counsel argues that the injury attracting the offence under Section 326 IPC is attributed to the petitioner and the above-named injured suffered as many as nine injuries on his person after being attacked by the petitioner and his co-accused and keeping in view the gravity of the offence committed by him (petitioner), this petition be dismissed.

The questions as to whether injury No.1 on the person of the

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said victim can be caused by '*datar*' or not and as to whether the instant DDR is a counter-blast to the FIR or not, are to be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial. At the moment, the fact remains that the injury constituting the offence under Section 326 IPC has been attributed to the petitioner. To add to it, as specifically deposed in para No.9 of the status-report, the petitioner has remained involved in two more criminal cases as detailed therein.

As regards the grant of relief of interim bail to the co-accused of the petitioner vide the order Annexure P-6, it is worthwhile to mention here that presently, only interim relief has been granted to the said co-accused and moreover, the roles attributed to the petitioner and his said co-accused in the alleged crime are not on the same footing and therefore, the petitioner cannot claim the relief of anticipatory bail on the ground of parity.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the concession of anticipatory bail. Resultantly, the petition in hand stands dismissed.

10.11.2021

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(MEENAKSHI I. MEHTA)
JUDGE*Whether speaking/reasoned**Yes**Whether Reportable**No*