

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-38694 of 2021
Date of Decision : 17.09.2021

Ram Chand and another

..Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashok Kumar Sama, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ashok Paul Batra, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner has been filed under Section 438 of the Cr.P.C for the grant of anticipatory bail to the petitioner in respect of Rapat No.13 dated 24.06.2020 registered under Sections 323, 324, 325, 326 and 34 of the IPC at Police Station Khuian Sarwar, District Fazilka in FIR No.97 dated 30.06.2020 registered under Sections 307, 326, 323, 324 and 34 of the IPC at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner argues that though, the grievous injury has been received by the victim but, the same is not covered under Section 326 of the IPC and as the petitioner has been attributed only simple injuries, he is entitled for the grant of anticipatory bail keeping in

view the fact that it is a case of cross-version between the parties.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab. who is present in the Court, accepts notice on behalf of the respondent-State.

Learned State counsel submits that keeping in view the MLR, which has also been appended by the petitioner with the present petition, the injury in question has already been declared grievous in nature by the doctor concerned and, therefore, the petitioner, who has been attributed the said injury, is needed for the custodial interrogation so as to recover the weapon used for inflicting the said injury.

Learned counsel for the complainant submits that the injury received by the victim is grievous in nature and, hence, prayer of the petitioner for the grant of anticipatory bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Opinion of the doctor as recorded in the MLR is clear that the injury attributed to the petitioner is grievous in nature and the weapon used for inflicting the said injury as alleged in the FIR is spade. The contention of the learned counsel for the petitioner that the injury received by the victim is not covered by Section 326 IPC is a matter of investigation. This Court is not to go beyond the opinion of the doctor as of now. Once, the weapon attributed to the petitioner for inflicting the grievous injury is yet to be recovered, no ground to allow the prayer of the petitioner for the grant of anticipatory bail is made out.

Dismissed.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

September 17, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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