

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

(Heard through VC)

CRM-M-38189 of 2020 (O&M)
Date of Decision: January 14, 2021

Harpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ravi Malhotra, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.212 dated 01.10.2020, registered under Sections 323, 324, 34 of Indian Penal Code (Section 326 of IPC added later on) at Police Station Bhogpur, District Jalandhar.

2. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is argued that initially the FIR was registered under Sections 323, 324, 34 of Indian Penal Code, under which sections the petitioner was arrested and released on bail by the police, the said offences being bailable in nature. It is also submitted that this is a case

of version and cross-version, as such, the petitioner is entitled to be released on anticipatory bail.

3. Notice of motion.

4. At this stage, Ms. Rashmi Attri, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State. Similarly, Mr. P.S. Ahluwalia, Advocate accepts notice on behalf of the complainant.

5 Counsel appearing on behalf of the respondent-State as well as complainant oppose the grant of anticipatory bail to the petitioner, while arguing that Section 326 of Indian Penal Code has been added wherein, the grievous injuries inflicted upon the complainant, have been attributed to him.

6. I have heard counsel for the parties and have gone through the pleadings of the case.

7. As per the MLR of the complainant, incised wound on left side of head has been attributed to the petitioner herein, which head injury after CT scan was declared grievous in nature by the doctor, consequently, Section 326 of Indian Penal Code has been added in the FIR. So far as the argument raised by counsel for the petitioner that this is a case of version and cross-version, it is noted that information regarding admission of the complainant was given to the police on 27.09.2020 i.e. on the date of alleged incident itself whereas, the cross-version was got registered by father of the petitioner herein on 02.10.2020 and all the five injuries inflicted upon the petitioner and others have been declared as simple in nature. Under these circumstances, as the grievous injury inflicted upon the

complainant has been attributed to the petitioner herein, considering the gravity of the offence, this court is not inclined to grant anticipatory bail to the petitioner.

8. In view of the above, the instant petition is hereby dismissed.

January 14, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No