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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44264-2020
DECIDED ON: 19th JANUARY, 2021

RAHUL AND ORS

.....PETITIONERS

VERSUS

STATE OF UT CHANDIGARH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Mahendra Pal, Advocate
for the petitioners.

Mr. A.M. Punchhi, PP with
Mr. Anupam Bansal, Advocate
for the UT Chandigarh.

Mr. Dinesh Maurya, Advocate
for the complainant.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for anticipatory bail in case of FIR No. 182 dated 02.10.2020 under Sections 147, 148, 149, 324, 506 of the IPC, 1860 (later on Section 326 IPC was added) registered at Police Station Mauli Jagran, Chandigarh.

There was fight between two parties on 26.07.2020. The dispute started due to parking of a two wheeler. The initial FIR No. 164 dated 27.07.2020 under Sections 147, 148, 149, 323, 452, 506 of the IPC was registered on the

were Madan, Hanuman, Lekhraj, Raj Kumar, Sarabjit and Radha. A cross version was put forth by the accused was not considered, they approached this Court by way of petition. Thereafter FIR No. 182 dated 02.10.2020 was registered under Section 147, 148, 149, 324, 506 of the IPC and Section 326 (added later on) at Police Station Mauli Jagra, Chandigarh.

Learned counsel for the petitioners submits that it is a cross case and the accused in earlier FIR were granted either anticipatory bail or regular bail, he seeks parity with the complainants.

Mr. A.M. Punchhi, Public Prosecutor appearing for respondent-UT Chandigarh refers to the pleadings of the affidavit filed by Sh. Juldhan Singh, SHO Police Station Mauli Jagran, Chandigarh. He submits that there was free use of sharp edged weapons, including sword. The wrist of Lekhraj was more than 90% amputated with only dorsal surface of skin remaining intact. There was incised wound given to Radha on her hand starting from thumb nail bed to middle of thumb. There was incised wound on right eyebrow, another wound on left partial area and on the left hand between thumb and index finger. He submits that considering the use of weapon and the nature of injuries, custodial interrogation is required, moreover, the weapons are to be recovered.

There is no doubt that it is a case of cross version and it is a fact that it was only after approaching this Court that the version in the present FIR i.e. 182 was recorded. As per the affidavit filed, there is use of sword, there is amputation from the wrist, in such circumstances, no case is made out for granting anticipatory bail.

So far as the contention of learned counsel for the petitioners claiming parity with the complainants is concerned, the same does not enhance the case of petitioners. In FIR No. 164 Sections 324 & 326 of the IPC were not there, moreover, there was no injury like amputation of hand and use of sword.

Learned counsel for the petitioners submits that the Court while granting anticipatory and regular bails to complainant had considered the merits of the case, the same should be applied in the present case also. Suffice to say that while granting anticipatory and regular bails, *prima facie*, facts are seen and the merits of the case are not decided.

Considering the facts in entirety, the petition is dismissed.

No further discussion on the merits of the allegations is made as it would be considered in the investigation as well as in the trial proceedings.

19th JANUARY, 2021
shabha

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>