

205-A

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

CRM-M No.504 of 2022

Date of Decision: 04.02.2022

Sarabjit Singh @ Sarbjit Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

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

Present:- Mr. Jagjit Singh Lalli, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab
for the respondent-State.

Mr. Hitesh Ghai, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.206 dated 03.11.2021 registered at Police Station Sadar Khanna, District Khanna, under Sections 323, 324, 506 IPC (wherein the offences under Sections 325 and 326 IPC are stated to have been added later-on), the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled by complainant Jagroop Singh in the subject FIR, are that the petitioner and his co-accused Simranjit Kaur had caused injuries to him and had also

given beatings to his wife named Sonia.

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

Learned counsel for the petitioner contends that it was the complainant party who had opened the attack on the petitioner and therefore, a cross-case has also been registered against them at the instance of the petitioner and moreover, none of the injuries, as reported to have been suffered by the complainant, has been declared to be dangerous to life and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition.

Per contra, learned State counsel has argued that the injuries on the person of the complainant are attributed to the petitioner and keeping in view the gravity of the offence as committed by him, this petition be dismissed.

It would be a subject matter for consideration before the trial Court as to who was the aggressor party and the same can and shall be adjudicated at the relevant stage after appreciating and evaluating the evidence that may be led on the record during the course of trial. At the moment, the fact remains that as specifically alleged in the FIR, the petitioner had caused injuries to the complainant by giving him sword blows and the seat of one of such blows/injuries happens to be his (complainant's) head which, undisputedly, is a vital part of the body.

Keeping in view the above-discussed facts and circumstances

as well as the nature 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 relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

February 04, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*