

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.204

CRM-M No.803 of 2022

Date of Decision: 28th February, 2022.

Lovepreet Sharma

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

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

Present: Mr. Naresh Kumar Manchanda, Advocate,
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. G.S.Saini, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.85 dated 13.09.2021 registered at Police Station Mallanwala, District Ferozepur, under Sections 452, 324, 323, 34 IPC (wherein the offence under Section 326 IPC is stated to have been added later-on vide Rapat No.9 dated 03.10.2021), the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled by complainant-Satpal in the subject FIR, are that the petitioner and his co-accused caused injuries to him with '*datar* ', stick etc.

Mr. G.S.Saini, Advocate, has joined the proceedings on behalf

of the complainant in this case and has forwarded his Memo of Appearance to the Court through “*WhatsApp Group for Video-Conferencing*” and its print-out has been placed on the file.

Learned State counsel has also sent the copies of the opinion of the Doctor qua the nature of the injuries suffered by the above-named complainant as well as his Medico-Legal Report, to the Court through “*WhatsApp Group for Video-Conferencing*” and these documents are taken on the record.

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 the petitioner and the complainant-injured are closely related to each other and there is a delay of 09 days in lodging the FIR and moreover, the seat of the injury invoking the offence under Section 326 IPC in this case, happens to be the right arm of the injured and in these circumstances, the petitioner deserves the relief as prayed for in this petition.

Per-contra, learned State counsel argues that the petitioner had given a blow of '*datar*' to the above-named complainant which landed near his right elbow and the said injury has been declared to be grievous in nature attracting Section 326 IPC in this case and keeping in view the gravity of the offence committed by the petitioner, this petition be dismissed.

As regards the contention qua the delay of 09 days in lodging the FIR, the same can and shall be looked into and adjudicated upon by the trial Court at the relevant stage after appreciating and evaluating the

evidence that may be led on the record during the course of the trial and the same cannot be decided at this stage. Though, the seat of the injury constituting the offence under Section 326 IPC happens to be the right arm of the injured but the same has specifically been attributed to the petitioner.

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 relief of anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

28.02.2022.
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Whether speaking/reasoned?	Yes
Whether Reportable?	No