

CRM-M-8186-2022 (O&M)

Date of decision : 25.02.2022

Rajinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.148 dated 19.11.2021 under Sections 323/324/326/427/506/148/149 of Indian Penal Code, 1860 (IPC) registered at Police Station Raja Sansi, District Amritsar (Rural).

Learned counsel for the petitioner would contend that there is an unexplained delay of five days in registration of the FIR and the complainant was declared fit to record his statement on 16.11.2021 but he refused to do the same and when he discharged from the hospital he got his statement recorded on 19.11.2021. Learned counsel for the petitioner would further contend that the co-accused in the present case namely, Sarvan Singh, has since been granted interim bail by this Court vide order dated 11.02.2022 in **CRM-M-5924-2022**. Learned counsel for the petitioner seeks parity with the co-accused Sarvan Singh.

Notice of motion.

Mr. H.S. Multani, AAG Punjab accepts notice on behalf of the respondent-State and he on instructions from ASI Jasbir Singh has stated that the petitioner in the present case is not similarly situated as Sarvan Singh inasmuch the injury falling under Section 326 IPC has been attributed to the present petitioner. The present petitioner gave a *datar* blow on the head of the complainant which hit him on the left side of his head. Learned counsel for the State has further stated that since the grievous injury has been attributed to the petitioner, Section 326 IPC was added later on the basis of the medical opinion which was received from the doctor.

Heard.

In view of the fact that the injury under Section 326 IPC has been attributed to the petitioner with a *datar* blow which hit on the left side of the head of the complainant, the petitioner cannot claim parity with the co-accused Sarvan Singh who has not been attributed any injury under Section 326 IPC.

In view of the above, I do not find this to be a fit case for grant of anticipatory bail to the petitioner. Accordingly, the present petition is dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

25.02.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO