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

CRM-M-13596-2022

Date of decision : 31.03.2022

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Supneet Singh, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Manbir Singh Basra, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.15 dated 02.03.2021 registered under Sections 452, 326, 324, 323, 427, 148, 149 of the Indian Penal Code, 1860 at Police Station Ghuman, Batala, District Gurdaspur.

A perusal of the petition would show that in para 5 of the petition, it has been stated that the petitioner has been attributed only one injury, which has been declared simple in nature.

Learned counsel for the State as well as complainant have stated that in fact, the petitioner has been attributed two injuries, one injury being on the left elbow and the other injury, on the left leg. It is further

submitted that in the FIR, which has been reproduced in para 1 of the petition, the injury on the left elbow has not been mentioned whereas, it is the said injury which has been attributed to the petitioner and the said injury is grievous in nature, on account of which, Section 326 of IPC is attracted and made out. It is contended that as per the police proceedings, it is apparent that two grievous injuries i.e. injury Nos.3 and 4 have been inflicted on the complainant. It is further contended that even perusal of the order dated 12.04.2021 (Annexure P-2) rejecting anticipatory bail application of the petitioner would show that the petitioner was armed with a *daatar* and he had caused injuries to the complainant which attract Sections 326 and 323 of IPC. It is submitted that all the said facts in their entirety have not been mentioned in the petition.

This Court has heard the learned counsel for the parties and perused the paper book.

A perusal of the order dated 12.04.2021 (Annexure P-2) would show that the petitioner was armed with a *daatar* and has been attributed with causing two injuries, one attracting offence under Section 326 of IPC and the other attracting offence under Section 323 of IPC. The fact that there are two grievous injuries suffered by the complainant is clear from the vernacular copy of the FIR, which starts, at page 23 of the paper book.

Learned State Counsel alongwith learned counsel for the complainant, has submitted that the two injuries attributed to the petitioner are on the left elbow and on the left leg of the complainant. The injury attributed on the left elbow of the complainant is grievous in nature attracting offence under Section 326 of IPC. In the FIR, which has been

reproduced in para 1 of the petition, the injury on the left elbow, which is the grievous injury, has not been mentioned in the petition. Upon a query put by this Court seeking the reason for the same, learned counsel for the petitioner has submitted that the same is due to an inadvertent error.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that the petitioner has been attributed with causing two injuries with a *daatar*, one of which has been declared to be grievous in nature, the petitioner does not deserve the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

31.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No