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

CRM-M-28071-2022

Date of decision : 05.07.2022

Lalit Kumar @ Lovely

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Harmeet Kaur Chanan, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of pre-arrest bail to the petitioner in FIR No.39 dated 17.05.2022 registered under Sections 307, 323, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Sadar Pathankot, District Pathankot.

Learned counsel for the petitioner has submitted that in the present case, two injuries have been attributed to the present petitioner and both the said injuries are simple in nature and thus, the petitioner deserves the concession of anticipatory bail.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that in the FIR, the petitioner has been specifically named and the

petitioner was armed with a baseball bat and has been specifically attributed two injuries to the complainant which have been inflicted on the back and right side of the abdomen of the complainant and on account of the same, the complainant had fallen down on the ground. It is further submitted that the petitioner alongwith other persons have inflicted serious injuries upon two persons i.e., the complainant and his old father namely, Tara Chand and the said Tara Chand had suffered three injuries, out of which, injury Nos.2 and 3 have been declared to be dangerous to life. The complainant-Surinder Kumar had also suffered three injuries out of which, injury No.1 which is on the wrist, has been declared as grievous in nature. It is contended that in the present case, the petitioner alongwith the other co-accused have apparently attacked the complainant and his father and have thus, caused injuries to them and even the weapon used in the commission of the offence is yet to be recovered from the petitioner and thus, the petitioner does not deserve the concession of anticipatory bail. It is further contended that the case of co-accused of the petitioner namely Bholanath @ Bhola Ram is not on the same footing inasmuch as the said Bholanath @ Bhola Ram is an old person of 66 years of age whereas, the petitioner is a young boy of about 27 years of age.

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

A perusal of the FIR would show that the petitioner has been specifically named in the FIR and was alleged to have been armed with a baseball bat and has specifically been alleged to have participated in the occurrence and inflicted two specific injuries with the baseball bat upon the complainant, one on the back and one on the right side of the abdomen, on

account of which, the complainant had fallen down on the ground. Although, the injuries attributed to the petitioner are simple in nature but the petitioner and the other accused in conspiracy with each other, had injured Surinder Kumar and Tara Chand, who is the aged father of said Surinder Kumar. Tara Chand is stated to have suffered three injuries, out of which, injury Nos.2 and 3 have been declared to be dangerous to life and thus, the offence under Section 307 of IPC is prima facie made out. Even Surinder Kumar had suffered three injuries, out of which, injury No.1 has been declared to be grievous in nature. The weapon used by the petitioner i.e. the baseball bat is yet to be recovered. The case of the petitioner is not on similar footing as that of co-accused namely Bholanath @ Bhola Ram, in whose case, notice of motion has been issued and interim protection has also been granted inasmuch as in the case of Bholanath @ Bhola Ram, there was no specific attribution made to him in the FIR and he is an old person of 66 years of age, whereas the petitioner is a young boy of 27 years of age and as per the FIR, two specific injuries have been attributed to the petitioner.

Keeping in view the abovesaid facts and circumstances, the present petitioner does not deserve the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

However, 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.

05.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**