

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

105

CRM-M-29527-2022
Date of Decision: 13.07.2022

SAURAV SAINI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case bearing FIR No.11 dated 26.01.2022 under Sections 307, 341, 148, 323, 324, 325 and 326 read with Section 149 of the Indian Penal Code, 1860 registered at Police Station Taragarh, District Pathankot.

Learned counsel for the petitioner *inter alia* contends that the petitioner is not the author of the injury attracting Section 307 of the IPC and it is a case of version and cross-versions. He thus, submits that the true genesis of the occurrence has been concealed and that the petitioner has been falsely implicated in the aforesaid case. It is also argued that the co-accused Rohan @ Rohit and Honey have already been arrested while co-accused Shiv Bhawani Singh has been released on interim bail by this Court vide order dated 20.06.2022 passed in CRM-M-26837 of 2022.

Learned Deputy Advocate General, Punjab, to whom the advance copy of the petition has been furnished, has informed on instructions from ASI Naresh Kumar that the petitioner has been attributed two *datar* blows on the left eye of the victim/complainant which attracted Section 326 of the IPC and as a result of the impact of said injuries, the victim/complainant has lost the vision of his left eye. It is further submitted that the cross-versions has been investigated into and the same has been found to be false. Besides, the case of the petitioner is not at par with co-accused Bhawani Singh, to whom the concession of anticipatory interim bail has been granted by this Court vide order dated 20.06.2022 (*supra*) inasmuch as he has not been attributed any grievous injury on any vital part of the body of the victim/complainant and the injury attributed to him is simple i.e. *datar* blow on the left elbow. Hence, the case of the petitioner is distinct and is not comparable with the aforesaid co-accused.

Taking into consideration the gravity of the offence, the nature of injuries sustained by the victim/complainant and also the fact that the complainant has lost the vision of his left eye as an impact of the blows so given by the petitioner, he does not deserve the concession of anticipatory bail at this juncture.

Instant petition stands dismissed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

13.07.2022
rajender

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No