

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32647-2022
Reserved on: 08.08.2022
Date of Pronouncement: 08.09.2022

Babu alias Bobo
...Petitioner (s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. K.B. Raheja, Advocate
for the petitioner(s).
Mr. H.S. Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
139	6.7.2019	Sadar Ferozepur, District Ferozepur	307, 323, 148, 149 IPC and 25/27 Arms Act and added Section 325 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 22 of the bail petition, the accused declares that he has no criminal antecedents.
3. The petitioner allegedly hit iron pipe on the head of the complainant.
4. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. Ld. counsel representing the State opposes bail.

REASONING:

6. A narration of FIR reveals that when the arguments started with the complainant party, it was the petitioner who had started the assault by inflicting blow on the Gurmit Singh's head with a pipe, which he had carried with him. It was after the petitioner's assault that other persons also inflicted the injuries.
7. The contentions of the petitioner's counsel that he is entitled to bail on parity is legally inadmissible because the petitioner had started the assault. Regarding the other argument of a cross-case, once the FIR reveals that the first assault appears to have been inflicted by the petitioner, the cross-case would not entitle him any benefit of bail, because it might be in private defence.
8. The allegations are serious and offence heinous. The evidence collected so far points out that the petitioner brutally and mercilessly assaulted the victim. Given the nature of injuries and preparations made for such assault, it does not entitle the petitioner to bail at this stage. The bail petition does not contain any document to *prima facie* form a contrary view at this stage.
8. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.
9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.
10. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor the court taking up regular bail and the trial Court shall not advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

September 08, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.