

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

**CRM-M No.35201 of 2022
Date of Decision: 07.09.2022**

Ranjit Singh Bhullar

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. H.S. Dhandi, Advocate
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.126 dated 18.06.2022 registered at Police Station Sadar Dhuri, District Sangrur, under Sections 324, 341 read with Section 34 IPC (wherein the offence under Section 326 IPC is stated to have been added later-on), the petitioner has moved this petition for seeking the relief of pre-arrest/anticipatory bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by informant-injured Pushpinder Singh in the subject FIR, are that on 17.06.2022, the petitioner and his co-accused Bhupinder Singh, who were having a dispute with him qua the cultivation over a piece of land, had caused injuries to him with weapons like *gandasa* and *sword* etc.

3. Learned State counsel has submitted the status-report on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Sub-Division Dhuri, District Sangrur) in the Court today and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner and the informant were having a dispute regarding cultivation over a chunk of land and a criminal case already stood registered against the informant as well as some other persons in respect thereof, vide FIR Annexure P-3 and moreover, the petitioner had also sustained the injuries in the alleged occurrence, as detailed in his Medico Legal Report Annexure P-5 and even otherwise, the seat of the injury attracting the offence under Section 326 IPC in the instant case is reported to be the arm of the informant which is non-vital part of the body and in these circumstances, the petitioner deserves the relief as prayed for in this petition.

6. Per contra, learned State counsel argues that the petitioner is the author of the injury which attracted the offence under Section 326 IPC in this case and in fact, the petitioner intended to give the blow of *gandasa* on the head of the informant and while he (informant) was in the process of saving himself, the said blow landed on his arm and keeping in view the nature of the offence committed by the petitioner, the present petition be dismissed.

7. As regards the contention qua the afore-referred dispute having already been existing between the petitioner and the informant and the said criminal case having been registered against the informant and some more persons as a result thereof, the same does not suffice at all, at this stage, to come to the conclusion regarding the false implication of the petitioner in this case.

8. So far as contention regarding the injuries, as reported to have been suffered by the petitioner in the alleged occurrence, is concerned, again the factum as to who was the aggressor in the said occurrence, cannot be ascertained at the stage of deciding the present bail petition and rather, the same would be the subject matter for consideration and adjudication by the trial Court at the relevant stage, in view of the evidence that may be led on the record during the trial proceedings.

9. Then, as regards the factum of the seat of the injury attracting the offence under Section 326 IPC in the instant case, being the arm of the informant, it is pertinent to mention here that the informant-injured has categorically alleged in the FIR that the petitioner gave a *gandasa* blow towards his head but he raised his arm to save himself and in that process, the said blow landed on his arm. It being so, the above-said fact also does not come to the rescue of the petitioner to mitigate the gravity of the offence as allegedly committed by him.

10. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner)

does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

September 07, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>