

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

214

CRM-M-43899-2021 (O&M)

Date of Decision: 19.01.2022

Vishal Ghai

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.K.Bawa, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Manjit Singh.

Mr. Rituraj Singh, Advocate, for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.119 dated 05.09.2020 at Police Station Satnampura, District Kapurthala, under Sections 323/324/506/34 IPC (Section 326 IPC added later on).
2. The FIR in question was lodged at the instance of Vinod Kumar, wherein the allegations are broadly to the effect that on 04.09.2020, he was caused injuries by the accused. It is alleged that Pardeep Thapar gave a blow with *datar* on the back side of complainant's head. Shivam Ghai is also alleged to have inflicted a blow with *kirpan* on the back side of complainant's head. Bharat Bhushan is stated to have inflicted a blow with *kirpan* on the left thumb of the complainant. Vishal Ghai

(petitioner) is stated to have inflicted two blows with *datar* hitting the complainant on his left bicep and on his left index finger.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case even if all the allegations are accepted to be correct, it is the injury attributed to the co-accused Bharat Bhushan, which has been opined to be a 'grievous' injury and that the injuries attributed to the petitioner are in the nature of simple injuries.
4. On the other hand, learned State counsel assisted by learned counsel for the complainant has opposed the petition and has submitted that since all the 4 accused were carrying sharp edged weapons and that out of the 6 injuries found on the person of the injured, 5 were caused with sharp edged weapons, the allegations as leveled in the FIR are fully substantiated and as such, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court.
6. The allegations to the effect that 4 accused were armed with weapons like *datar* and *kirpan* and had caused injuries to the complainant are corroborated from the medical evidence inasmuch as 6 injuries were found on the person of the complainant and out of which 5 are such injuries, which are opined to have been caused with sharp edged weapons. Even if, it is taken that the injuries caused by the petitioner are in the nature of simple injuries, but this Court cannot overlook the fact that the petitioner as well as co-accused were armed with deadly weapons

and that out of the 6 injuries sustained by the complainant, 1 has been opined to be a 'grievous' injury as well.

7. In view of the aforestated position, this Court does not find any special case for grant of anticipatory bail to the petitioner. The petition is sans merit and is hereby dismissed.
8. It is, however, directed that in case the petitioner surrenders before the trial Court within 2 weeks and from today and moves an application for grant of regular bail, the trial Court shall endeavour to dispose of the same expeditiously, preferably within a week from filing of such application.

19.01.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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