

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

104

CRM-M-49133-2022

DECIDED ON: 28th OCTOBER, 2022

TIRATH @ LADDI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioners, who have been booked for having committed the offences punishable under Sections 307, 341, 323, 506, 34 of IPC, in a case arising out of FIR No. 107, dated 23.08.2022, registered at Police Station Division No.4, Jalandhar.

The assertions made in the FIR in question are stated to be that on 20.08.2022 at 10.30 PM, nephew (Himanshu) of the complainant had some altercation with Hardeep @ Deep while walking in the street. It is alleged that when the complainant along-with his nephew Himanshu went for medical examination on 21.08.2022 at about 4.30 AM at Civil Hospital, Jalandhar and while standing in the hospital Hardeep Singh along-with Laddi (petitioner), Rohit, Raman and Aman came there and Hardeep Singh surrounded the complainant and Rohit exhorted that both these persons be not spared.

Allegation against the petitioner is that he picked up brick and hit on the head of the complainant as a result of which the complainant fell

down. The entire occurrence has been witnessed by nephew of the complainant and motive has also been stated to be previous fight for which another FIR is already registered bearing No. 108, dated 27.08.2021, under Sections 323, 324, 341, 427, 506, 148 and 149 IPC at Police Station Division No.1, Jalandhar.

A specific allegation coming forth against the present petitioner is that all of sudden the present petitioner had picked up a brick and hit the same on the head of the complainant-Balwinder Kumar @ Rana with an intention to kill him. The said injury was declared dangerous to life for which the provision of Section 307 IPC has been attracted in the FIR. The brick used in the commission of offence has not yet been recovered and for that purpose custodial interrogation of the petitioner is necessary.

The case of the petitioner is not at parity with the co-accused, who have been granted the concession of interim bail by this Court vide order dated 17.10.2022 passed in CRM-M-47788-2022 as in the case of other co-accused no weapon was required to be recovered but in the case in hand, brick used in the commission of offence is yet to be recovered.

In view of above discussions made hereinabove, the present petition is liable to be dismissed.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

28th OCTOBER, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>