

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.103

CRM-M-21938-2023

Date of Decision : May 01, 2023

Sukhwant Singh @ Glaynda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Gaurav Datta, Advocate, for the petitioner.

Mr. Bhanu Pratap Singh, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks anticipatory bail in FIR No.13, dated 19.02.2023, registered at Police Station Chabbewal, District Hoshiarpur, under Sections 323, 324, 506, 427, 148, 149, 379 IPC (Sections 326, 325 & 379-B IPC added lateron).

2. As per the contents of the FIR, the petitioner and his co-accused attacked the complainant and his brother-in-law resulting in grievous injuries. The petitioner was armed with *kirpan* and he inflicted four injuries on the brother-in-law of the complainant some of which have been declared to be grievous in nature. The tractor of the complainant was used to damage a car and was taken away.

3. Learned counsel for the petitioner has submitted that the declaration of injuries as grievous took place after obtaining the report from a private hospital. Such a report cannot be relied upon.

4. The submission cannot be accepted because the report of the private hospital has been reviewed by the Civil Surgeon before declaring

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some injuries to be grievous as is evident from documents Annexure P-11. Consequently, it cannot be said that the private hospital has given a wrong report.

5. It has been next contended that co-accused Baljinder Singh @ Vika Baba has been granted interim bail by this Court vide order dated 13.04.2023 passed in CRM-M-17448-2023 (Annexure P-12). Co-accused Bhupinder Kumar @ Bhindu has been granted anticipatory bail as is evident from order dated 18.04.2023 passed in CRM-M-16280-2023 (Annexure P-13). Thus, the petitioner deserves the same concession.

6. This submission also deserves to be rejected as Baljinder Singh @ Vika Baba was granted interim bail because he was attributed only a simple injury. Same was the situation in the case of Bhupinder Kumar @ Bhindu.

7. Finally, it has been submitted that the petitioner was granted interim bail by the Sessions Court. He could not join investigation on account of addition of Section 326 IPC whereafter interim bail was declined. Addition of Section 326 IPC is doubtful as it is based upon report of a private hospital, thus, the petitioner may be granted appropriate relief.

8. It has already been observed that the report of the private hospital cannot be doubted and thus, addition of Section 326 IPC cannot be said to be doubtful. Accordingly, this submission is also rejected.

9. The petition has no merit and is dismissed.

May 01, 2023
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No