

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-21046-2024

Date of decision: 29.04.2024

Sardool Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kulbhushan Raheja, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner-complainant is seeking cancellation of bail granted to respondent No.2-accused in FIR No.201 dated 15.12.2023 under Sections 323, 447, 148, 149 of the IPC (Sections 308, 325, 324 of the IPC added lateron) registered at Police Station Makhu, District Ferozepur, by learned Sessions Court vide order dated 27.02.2024.

2. Learned counsel for the petitioner while drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, inter alia contends that it is evidently a premediated attack carried upon the petitioner and his son by the accused including respondent No.2, on 14.12.2023, as a result of which the complainant party including the petitioner-complainant received a number of injuries on their person. In support, learned counsel has drawn the attention of this Court to Annexure P-2 which is the Medial Legal Report of the petitioner-complainant. It has been submitted that the learned Sessions Court failed to appreciate that brutal attack which was carried out by the opposite party was supported by documentary evidence in the shape

of photographs and some video clips prepared by some people on the spot. Still further, respondent No.2 inflicted injuries with a spade on the person of the petitioner-complainant which were declared grievous in nature, however, the learned Sessions Court had erroneously observed in the impugned order that the injury received by the petitioner was simple in nature. It has still further been submitted that no doubt it is a case of version and cross version wherein both the sides had received injuries at the hands of each other, however, keeping in view the nature of injuries received by the petitioner at the hands of respondent No.2, the concession of anticipatory bail granted to him, deserved to be cancelled under Section 439(2) of the Cr.P.C.

3. I have heard learned counsel and perused the relevant material on record.

4. Once the concession of bail has been granted to an accused, it can no doubt be cancelled, but only if the accused has misused the concession of bail or he has breached the conditions imposed upon him at the time of being granted bail.

5. In the present case, on a pointed query put to the learned counsel as to whether respondent No.2-accused had misused the concession of bail by being involved in any other criminal case or had breached any conditions imposed upon him in the impugned order, he has replied in the negative but has just asserted that in view of the injuries received by the petitioner-complainant, respondent No.2-accused should not have been granted the extraordinary concession of anticipatory bail.

6. On a further pointed query put to the learned counsel for

the petitioner as to which injury was opined to be grievous in nature and which had erroneously not been noticed by the learned Trial Court while passing the impugned order, he has referred to injury No.5 which is *“Reddish blue bruise measuring 1.8CM X 1CM present over front of left ring finger, present 0.5CM above tip of finger associated with bleeding from corresponding nail from nail bed. Nail intact”*. Learned counsel for the petitioner has, thus, failed to give any satisfactory reason for cancelling order dated 27.02.2024 vide which respondent No.2 had been granted the concession of bail.

7. It is admittedly a case of version and cross version wherein both the sides received injuries at the hands of each other. The grievous injury attributed to respondent No.2-accused as per learned counsel is on the tip of the finger of the complainant. Further, there has been admittedly been no breach or misuse of the concession of bail by respondent No.2, this Court would not be inclined to cancel the bail to granted to respondent No.2 vide the impugned order.

8. Accordingly, the instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

29.04.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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