

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

FIR No.71 dated 25.02.2023, which was lodged at the instance of co-accused Yogesh Kumar against the present complainant. It has been still further submitted that even otherwise, as per the medico-legal report of the injured, no grievous injury much less any injury dangerous to life was found on any vital part of the body of the injured. Learned Senior counsel has submitted that there was no intention on the part of the petitioner to kill the injured as the injury attributed to him was only lacerated wound; therefore, the ingredients to attract the mischief of an offence under Section 307 IPC were not even made out. A prayer has been made by learned Senior counsel for the petitioner that in the aforementioned facts and circumstances, the petitioner be extended the concession of anticipatory bail.

3. Per contra, learned State counsel assisted by counsel for the complainant has opposed the prayer and submissions made by learned Senior counsel. It has been submitted that the petitioner was an active participant in the crime in question; he along with the other co-accused were not only armed with deadly weapons but the mode and manner in which the complainant was attacked by them left no manner of doubt that not only did they have the knowledge about the outcome of the attack but the intention to kill the injured could be easily discerned. It has been still further submitted that the petitioner was specifically named and attributed a role not only in the FIR in question and but even in the subsequent statement made by the injured under Section 161 Cr.PC. While drawing the attention of this Court to the injuries sustained by the injured it has

been submitted that the petitioner inflicted two khanda blows on the right side of the head and right leg of the complainant.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. *Prima facie*, it does appear to be a pre-mediated attack where the petitioner along with others attacked the complainant with deadly weapons with an intention to kill him. The petitioner was specifically named not only in the secret information, which was sent to the police about the occurrence in question but also was named and attributed a role by the injured complainant when his statement was recorded under Section 161 Cr.PC just a week after the occurrence in question. The petitioner has been attributed specific injuries on the head and leg of the injured-complainant, which *prima facie* find due corroboration with the medical evidence on record.

6. In view of the allegations levelled and the alleged role played by the petitioner in the crime in question, he does not deserve to be extended on the concession of anticipatory bail. Accordingly, the present petition stands dismissed.

7. 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.

12.02.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No