

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

**CRM-M No. 20125 of 2015
Decided on : 19.06.2015**

Nishan Singh and another

...Petitioners

Versus

State of Punjab

..Respondent

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Naveen Batra, Advocate
for the petitioners.

Mr.Vipul Dharmani,counsel for the complainant.

RAMENDRA JAIN, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.51 dated 16.04.2015 under Sections 323/324/452/382/427/148/149 IPC, registered at Police Station Anandpur Sahib, District Rupnagar.

Brief facts of the case are that complainant Ajay Kumar runs a shop near Museum Chowk, Anandpur Sahib. At around 10.30.p.m on 15.04.2015, he along with his brother Vijay Kumar was present at their shop. When he was about to close his shop, at that time some girls were purchasing some articles. Meanwhile, petitioners alongwith his accomplices, namely, Jangi, Nishan, Preet and Sucha came there and started commenting upon the girls. The complainant stopped them from doing so, but they did not adhere to his request. Co-accused Nishant said that there was itching in his hand and someone would be beaten up. They did not leave the place even on the asking of the complainant. Co-accused Nishan picked 4-5 small and big kara from his shop and inflicted blows on the head of the complainant. Then all the assailants started giving beatings to him. His brother Vijay Kumar was also beaten up by them. Co-

accused Sucha inflicted a Kirpan blow upon the face of Vijay. Then several people gathered at the spot, whereupon all the assailants fled away with their respective weapons. The complainant and his brother Vijay Kumar were shifted to emergency ward of the Government hospital, where also the assailants reached and forcibly lifted the complainant and his brother from the bed of the hospital and by taking them outside, again gave them beatings. They also did manhandling with the official of the hospital. Motive behind the occurrence was of restraining the accused by the complainant from commenting upon the lady customers at his shop. The accused had also stolen away Rs.2 Lacs from the safe of their shop which has collected as sale amount.

Learned counsel for the petitioners argued that petitioner No.2 is not named in the FIR, whereas, though petitioner No.1 is named in the FIR but no injury has been attributed to him. In fact, the complainant and his brother Vijay Kumar had caused serious injuries to the friend of the accused, namely, Jaswinder Singh at around 9.30 P.M. on that very day i.e. 15.04.2015, therefore, to save themselves from any criminal action, they got registered the present false FIR against them.

On the other hand, learned counsel for the complainant while relying upon the photographs of injured Vijay Kumar, his MLR, two intimations sent by medical officer to Chowki Incharge, Police Post, Civil Hospital, Anandpur Sahib and discharge certificate argued that injured Vijay Kumar suffered 25 stitches. He was discharged on 2.5.2015 i.e. after 17 days. Injury No.1 on this person is shown to have been caused by sharp edged weapon. During this period, his condition remained very critical.

In view of the totality of the facts and circumstances of the case, I do not find it a fit case to grant anticipatory bail to the petitioner,

because they after causing injuries to the complainant and his brother at their shop, then visited Civil Hospital, Anandpur Sahib and by lifting them from their bed and taking outside again gave them beatings outside the hospital. Weapons of offence are yet to be recovered and hence their custodial interrogation is very much required.

In view of the aforesaid discussion, the present petition being devoid of any merit is dismissed.

However, any observation made hereinabove shall not be constructed as an opinion on the merits of the case.

19.06.2015*anil***(RAMENDRA JAIN)
JUDGE**