

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM No.M-940 of 2015

Date of Decision:14.01.2015

Daljinder Singh @ Sabba

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

Present: Mr.Vipin Mahajan, Advocate,
for the petitioner.

MEHINDER SINGH SULLAR, J.(oral)

As is evident from the record that the first petition for anticipatory bail, bearing CRM No. M-24845 of 2013 filed by the petitioner, was dismissed as withdrawn, by means of order dated 05.08.2013(Annexure P-8) by this Court, which in substance, is as under:-

“The petitioner was declared proclaimed offender.

At the very outset, learned counsel intends to withdraw the instant petition to enable the petitioner to approach the trial Court.

Dismissed as withdrawn with the aforesaid liberty, as prayed for.

Needless to mention, if the petitioner files an application for regular bail, then the concerned Court will decide the same, preferably, within a period of one week.”

2. Instead of filing a petition for regular bail in the trial Court, the petitioner has again preferred the instant second petition for the grant of concession of pre-arrest bail, in the same very case registered against him along with his other co-accused, vide FIR No.57 dated 22.05.2012,

on accusation of having committed the offences punishable under Sections 326, 323, 324, 148 and 149 IPC, by the police of Police Station Fatehgarh Churian, District Gurdaspur.

3. After hearing the learned counsel for the petitioner, going through the record with his valuable help and considering the entire matter deeply, to my mind, there is no merit in the present second petition in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 20.05.2012 at about 7.00 AM, complainant-Baljit Singh son of Kulwant Singh(for brevity “the complainant”) and his brother Avtar Singh were repairing the reaper machine in the house of PW Parminder Singh. Meanwhile, the petitioner armed with sword(kirpan), Amarjit Singh son of Dharam Singh armed with sickle(datar), Ravinderpal Singh @ Vinder son of Amarjit Singh armed with sword(kirpan), Rachhpal Singh @ Pala armed with sickle(datar) and three other unknown persons armed with baseball, came there. On reaching there, accused Amarjeet Singh raised a 'lalkara' and gave two blows with sickle(datar), which hit on the right hand and fingers of injured Avtar Singh. Then, Ravinderpal Singh gave sword(kirpan) blow, which hit on the right side of the head of Avtar Singh. Rachhpal Singh inflicted sickle(datar) blow, which landed on the backside of the head of Avtar Singh. Thereafter, the petitioner gave a sword(kirpan) blow, which hit on the middle finger of left hand of Avtar Singh. As soon as, the complainant stepped forward to save his brother, in the meantime, all the accused caused injuries to him as well. According to the prosecution, the petitioner and his other co-accused

have hatched a criminal conspiracy, formed an unlawful assembly, armed with deadly weapons, caused multiple, including grievous injuries, to the complainant and his brother with their respective weapons.

5. As per medical record, as noticed by the Additional Sessions Judge in the impugned order(Annexure P-7), the complainant received nine injuries on his person caused with sharp as well as blunt edged weapons. Sequel, his brother Avtar Singh received five injuries on his person. After receiving the requisite medical report and opinion, the offence punishable under Sections 307 and 326 IPC were added against the accused.

6. Meaning thereby, very serious and direct allegations of commission of indicated offences are assigned to the petitioner and his other co-accused. Not only that, the present case was registered against the accused as back as on 22.05.2012. The petitioner was initially declared proclaimed offender and evading his arrest on one pretext or the other, for the reasons best known to him. Therefore, taking into consideration the specific role with dangerous weapons assigned to the petitioner and totally of peculiar facts & special circumstances, emanating from the record, as discussed here-in-above, to me, he is not entitled to the concession of pre-arrest bail.

7. In the light of aforesaid reasons and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, as there is no merit, therefore, the instant second petition for anticipatory bail filed by the petitioner is hereby dismissed as such.

Needless to mention that nothing observed, here-in-above, would reflect on the merits of the main case, in any manner, as the same has been so recorded only for a limited purpose of deciding the present petition for pre-arrest bail.

January 14, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE