

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

CRM No. M-1152 of 2016 (O&M)

Date of Decision : 28.01.2016

Manohar Singh

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Rakesh Walia, Advocate with
Mr. Pulkit Taneja, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

Petitioner has filed the instant petition under Section 438 Cr.P.C. seeking concession of anticipatory bail in case F.I.R. No.73 dated 07.09.2014, under Sections 307/342/323/506/34 IPC, registered at Police Station Jodhan, Ludhiana Rural, District Ludhiana.

During the course of arguments, it has gone uncontroverted that the petitioner had earlier approached this Court by filing CRM No. M-25824 of 2015 seeking identical concession and such petition was dealt with on merits and was dismissed by a coordinate Bench of this Court in the following terms:-

“Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.73 dated 07.09.2014, under Sections 307, 342, 323, 506, 34 of Indian Penal Code, 1860, registered at Police Station Jodhan, District Ludhiana Rural.

Prosecution story in brief is that on 06.09.2014, complainant Jaspreet Singh was going from his house towards post office. At about 12:30 PM, when he reached in front of the

Kiryana Shop of petitioner, he was attacked by the petitioner and his co-accused. Petitioner and his coaccused put a rope around the neck of the complainant and took him in the vacant shop. Complainant was given beatings after tying his hands and legs. Petitioner gave a blow on the temple of the complainant, whereas, Jasbir Singh gave an injury on the right side of the waist of the complainant. Balvir Kaur gave an injury on the ring finger of the left hand of the complainant.

Learned State counsel who is assisted by the counsel for the complainant, on the other hand, has opposed the petition and has submitted that petitioner is required for custodial interrogation.

Although, in the present case, admittedly, injuries on the person of the injured are simple in nature but keeping in view the seriousness of allegations levelled against the petitioner, no ground for grant of anticipatory bail to the petitioner, is made out.

Dismissed.”

Upon being confronted with such situation, counsel would submit that there has been a change in circumstances inasmuch as co-accused Balvir Kaur has been granted anticipatory bail in the light of order dated 05.10.2015 passed by this Court in CRM No. M-24770 of 2015.

The submission raised by counsel appearing for the petitioner is wholly misconceived.

The role attributed to co-accused Balvir Kaur was totally distinct and distinguishable. Insofar as the present petitioner is concerned, allegations are of an occurrence dated 06.09.2014 wherein he alongwith others had tied a rope around the neck of the complainant, namely, Jaspreet Singh and it was the petitioner herein who had pulled the rope tied around the neck with an intention to kill the complainant. Insofar the co-accused

Balvir Kaur is concerned, she was attributed an injury on the ring finger of

left hand of the complainant.

Even otherwise, conduct of the petitioner dis-entitles him from the concession of anticipatory bail. FIR was registered on 07.09.2014. The petition seeking anticipatory bail was dismissed by this Court on 18.09.2015.

He has been evading the process of law all through such period.

Petition is dismissed.

January 28, 2016.

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**