

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24974-2016
DECIDED ON: July 25, 2016

JITENDER @ CHEETA

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. R.S. Budhwar, Advocate,
for the petitioner.

JASPAL SINGH, J.

Instant petition has been preferred under Section 438 of the Code of Criminal Procedure by Jitdner @ Cheeta seeking pre-arrest bail in case FIR No. 232, dated 26.05.2016, under Sections 148, 149, 323, 324, 336, 506 IPC and Section 61-1-14 of Punjab Excise Act, 1914 and subsequently added Section 326 IPC, Police Station Pehowa, District Kurukshetra.

2. Instant case stands registered on the basis of statement of Rajwinder Singh, who has unfolded that he is engaged in cash collection for Saravjit & Company, a country liquor contractor. On 25.05.2016, he accompanied by his friends Kuldeep Singh, Simran Singh and Gurjinder Singh had gone to village Sarsa on their motorcycles for the purposes of cash collection. He was informed by Manjit Singh, who is a servant at a country liquor vend that a number of young persons were indulging into sale of country

liquor at village Sarsa. On this, he along with his friend was standing at a distance of 400 yds. from the liquor vend on Sarsa Pabnawa road to watch the activities of the persons indulging into illegal sale of country liquor. At about 10.30 p.m., a car was seen coming from the side of Pabnawa. On seeing the complainant as well as his friends standing there, driver of the car turned the car towards them as result of which he as well as his friends fell on the ground and sustained injuries. They chased the car and stopped it at some distance. The occupants of the car on seeing them fled away after leaving the car on the spot, which was bearing HR-41A-4125 make Maruti, which subsequently led to the recovery of a number of boxes of country made liquor. At about 00.15 a.m., Sandeep, Sheelu, Suresh @ Bhoot, Cheeta, Kalu, Binder came there, who were armed with gandasi, swords and iron rods and they caused injuries to him with their respective weapons. The specific allegation against the petitioner is that he while armed with sword dealt its blow on the ankle of right foot of the complainant.

3. The contention of learned counsel for the petitioner is that the injuries attributed to the petitioner is simple in nature and at the most it falls within the ambit of Section 324 IPC. Moreover, the complainant took the law into his hands and did not opt to report the matter to the police, if there was some information qua the petitioner of his indulgence in the liquor trade. Moreover, nothing is to be recovered from the petitioner and as such his custodial interrogation is not required. The mere fact that he is facing trial in some other criminal cases is itself no ground to decline the bail in view of the particular facts and circumstances of the case in hand. He also undertakes to abide by all the terms and conditions imposed by this Court, in case, he is

granted the concession of pre-arrest bail.

4. This Court has given a deep thought to the aforesaid submissions made by learned counsel for the petitioner and has gone through the records including the order passed by the ld. Additional Sessions Judge, Kurukshetra.

5. A glance at the FIR transpires that the petitioner while armed with sword accompanied his friends and dealt its blow, which resulted into infliction of injury on the ankle of right foot of the complainant. His associates also caused injuries to the complainant and perusal of MLR (Annexure P-2) reveals that there were as many as 7 injuries on the person of the complainant, which is suggestive of the fact that the petitioner joined the hands with his associates and while armed with different weapons caused injuries to the complainant. The custodial interrogation of the petitioner is required to unearth all the ramification involved in this case and this Court is of the considered view that in the absence of custodial interrogation of petitioner, investigation of this case is likely to be stultified.

11. Finding no merit in the instant petition, the same is dismissed.

July 25, 2016
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(JASPAL SINGH)
JUDGE