

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

**CRM No.M-34687 of 2015 (O&M)
Date of Decision: 02.02.2016**

Vikas Bhatti @ Vicky & another

... Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Mr. Navkiran Singh, Advocate for the petitioners.

Mr. D.S. Virk, AAG, Punjab.

Mr. Sandeep Kumar, Advocate for the complainant.

....

TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.92 dated 08.09.2015, under Sections 307/326/324/323/506/148/149/379-B IPC and Sections 25/54/59 of the Arms Act, registered at Police Station City Hoshiarpur, District Hoshiarpur.

Counsel for the parties have been heard.

FIR was registered on the statement of Sanjiv Kumar Chohan i.e. injured/complainant. Occurrence is stated to be of 05.09.2014. Apart from the complainant, even Naresh Kumar is stated to have suffered injuries.

During the course of arguments, it has gone uncontroverted that the injury attributed to petitioner No.2 i.e. Dilbagh Singh @ Baghi of having given a blow with a *khanda* on the right hand of the complainant, Sanjiv Kumar Chohan and which landed on the finger of the right hand has been opined to be simple in nature. Insofar as petitioner No.1, namely Vikas

lalkara and then having given a blow with a *khanda* on the right leg of the complainant and which hit just below the knee. The attribution to petitioner No.1 does find corroboration from the medical examination of the complainant and the specific injury attributed to petitioner No.1 has been opined to be grievous in nature and thereby attracted offence under Section 326 IPC.

It is stated to be a case of version and cross version. Two persons from the side of the accused in the FIR, including petitioner No.1, namely, Vikas Bhatti @ Vicky are stated to have received gun shot injuries. In this regard, counsel appearing for the petitioners has even adverted to the MLR of petitioner No.1.

While issuing notice of motion on 09.10.2015, the petitioners were directed to join investigation and interim protection as regards arrest was granted.

Learned State counsel upon instructions from Inspector Talwinder Singh would apprise the Court that the petitioners have since joined investigation. However, he would oppose the present petition by stating that the licensed weapon with the complainant, namely, Sanjiv Kumar Chohan and which had been snatched by the accused is yet to be recovered. In this regard, it may be observed that as per version of the complainant, they had been attacked by 15 accused in all including the present petitioners and the role of snatching of the licensed revolver is not attributed to any particular accused. It would also be apposite to take note that the statement of the complainant, Sanjiv Kumar Chohan as regards the accused that he recognized and named, including the present petitioners is categoric and specific. The weapon used, the role attributed and the seat of

present petitioners, who otherwise have been recognized and named by the complainant, and who had snatched the licensed revolver, such role would have also been mentioned by the complainant. To the contrary, the allegation with regard to snatching of the licensed revolver is general in nature and is targeted against all the 15 accused.

In view of the above and coupled with the fact that the petitioners have since joined investigation, the petitioners are held entitled to the concession of pre-arrest bail.

Petition is allowed. Order dated 09.10.2015 passed by this Court is made absolute.

Disposed of.

02.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**