

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

(212)

CRM-M-36243-2016

Decided on: November 08, 2016.

Rakesh Kumar and another

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. G.S. Simble, Advocate, for the petitioners.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Manivnder Singh Sidhu, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioners seek concession of pre-arrest bail in FIR No.332 dated 28.07.2016 registered at the instance of Amarbir Singh alleging that on 26.07.2016 when the complainant along with his brother Pritpal Singh was present in the Court complex, the petitioners along with few others had given beatings to Pritpal Singh. Non-petitioners Jimmy and Shah had allegedly given butt blows of revolver on the head of Pritpal Singh and criminally intimidated him. The motive attributed is the pendency of criminal proceedings initiated by complainant Amarbir Singh under Section 138 of the Negotiable Instruments Act regarding the cheque of Rs.35 lacs.

Learned counsel for the petitioners has vehemently contended that petitioner No.2 Raghu Rajan is not named in the FIR and no grievous injury is attributed to petitioner No.1. He has also relied upon MLR got prepared on behalf of petitioner No.1 indicating that as a private case on deposit of Rs.400/-, the injury report was got prepared reflecting medical injuries having been received by Rakesh Kumar.

Perusal of the police file indicates that injured Pritpal Singh has specifically named petitioner No.2 to have inflicted grievous injury on the person of Pritpal Singh. Petitioner No.1 Rakesh Kumar has not been attributed any specific injury.

Without expression of any opinion on merits, petitioner No.1 can be granted the concession of pre-arrest bail but in view of the injury attributed to petitioner No.2, no ground is made out to grant concession of pre-arrest bail to petitioner No.2.

I have considered the contentions of learned counsel for the petitioners that petitioner No.2 has been involved in the case on account of business transactions between him and injured Pritpal Singh. Injured Pritpal Singh being known to petitioner No.1, he could have been named at the time of lodging of FIR. The said circumstance may offer a good ground for grant of regular bail but no extraordinary exceptional circumstances to grant concession of pre-arrest bail to petitioner No.2.

Petition qua petitioner No.1 Rakesh Kumar is allowed. It is ordered that in case of arrest of petitioner No.1 Rakesh Kumar, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not commit similar offence of which he is accused of, during entire period of trial.

Petition qua petitioner No.2 Raghu Rajan, is dismissed. However, in case, he surrenders before the Illaqa Magistrate, the concerned Court will decide his application for regular bail, preferably within a period of 2-3 days.

(M.M.S. BEDI)
JUDGE

November 08, 2016
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No