

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

(1)

Crl. Misc. No.M-18487 of 2017 (O&M)

Date of Decision: August 08, 2017

Gurpreet Singh and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

(2)

Crl. Misc. No.M-20421 of 2017 (O&M)

Kala Kamando and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Navkiran Singh, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.59 dated 11.04.2017 registered for the offences punishable under Sections 307, 382, 325, 323, 452,427,148 read with Section 149 of Indian Penal Code at Police Station Kotwali Patiala.

Heard.

FIR in this case was registered on the complaint of Rajesh Gupta. As per version of the complainant, he was sitting in his office on 10.04.2017 at about 11.00 p.m. when 25/30 persons came there. Gurmukh Singh, who was armed with *kirpan* abused the complainant in the name of his sister and gave *kirpan* blow from reverse side on the head of complainant. Gurdhian Singh gave blow with the iron rod which hit on the left arm of complainant while Gurpreet Singh gave iron rod blow on the left leg of complainant. Bikramjit Singh, who intervened, was also given *kirpan* blow on his head by Gurmukh Singh while petitioner Kala Kamando gave *kirpan* blow on the back side of head of Bikramjit Singh. The other persons accompanying them also caused injuries to complainant and Bikramjit Singh. They also went inside the office of complainant and smashed the furniture and other articles lying there. While going Kala Kamando also took away purse of the petitioner from his pocket which was also having ₹11,000/- cash, pan card, driving licence and other articles. Purse of Bikramjit Singh was taken away by Tejinder Bhaatu.

Learned State counsel on instructions from ASI Ashok Kumar submits that after the grant of interim bail to the petitioners, police has also registered cross-version case after going through the contents of the CCTV footage supplied by the petitioners. CCTV footage has recording of part of incident on road in which Gurpreet Singh also suffered injuries on his head. The police is investigating the matter. Two injuries suffered by complainant Rajesh were declared grievous in nature. She further submits that after grant of interim bail in this case, petitioner Kala Kamando had indulged in another such incident and another FIR No.118 dated 26.06.2017 has been

registered against him at Police Station Kotwali, Patiala. It is a case of cross-version. The complainant is alleging that the petitioners accompanied by several persons armed with weapons like *kirpan* and iron rods came to his office and caused injuries to him, Bikramjit Singh and smashed his office. On instructions from ASI Ashok Kumar, she further submits that during investigation, it was found that office of the complainant at the spot was totally smashed. His car and motorcycle were also damaged by the petitioners, while no damage to the shop of petitioner Gurpreet Singh was found during investigation. Police is verifying cross-version and injuries to Gurpreet Singh during investigation. In the cross-version, petitioner Gurpreet Singh has alleged that complainant Rajesh accompanied by other persons came to his shop, where the incident took place and injuries were caused to Gurpreet Singh. At this stage, version of petitioner Gurpreet that complainant accompanied by several other persons attacked him while he was sitting in his shop does not appear to be probable. In case 16 persons armed with deadly weapons had attacked Gurpreet Singh in his shop, the outcome of incident would have been otherwise than alleged by the petitioner.

Keeping in view the above facts, it is evident as to who was aggressor. Car of the petitioner at the spot and his office were smashed by the petitioners and other co-accused. Complainant and Bikramjit Singh suffered serious injuries. Such type of incident of attacking some one, who is sitting in his office and smashing his office furniture, LED, fridge, glasses, gate etc., do not call for exercising discretionary power of this Court in favour of assailants, as it will convey a wrong message to society.

It is matter of investigation as to how Gurpreet suffered injury while on the other side, there are two injured with injuries on vital parts of body.

Keeping in view the above facts and that another FIR No.118 dated 26.06.2017 for the offence punishable under Section 459, 325, 341 323, 506 read with Section 34 IPC has been registered at Police Station Kotwali Patiala against petitioner Kala Kamando for the incident that took place on 26.06.2017 after he was allowed interim bail in this case and taking note of injuries suffered by complainant, Bikramjit Singh and that office of complainant, his car and one motorcycle parked at the spot, were smashed/damaged, I find no reason to extend the benefit of anticipatory bail to petitioners Gurpreet Singh, Kala Kamando and Gurdhian Singh, who have been attributed injuries to complainant Rajesh and Bikramjit Singh. As such, bail applications qua petitioners Gurpreet Singh, Kala Kamando and Gurdhian Singh are dismissed.

Petitioner Pankaj Verma has not been attributed any injury to complainant Rajesh or Bikramjit Singh, as such, bail application No. CRM-M-18487-2017 is partly allowed and the order dated 22.05.2017 passed in CRM-M-18487-2017 is made absolute qua petitioner Pankaj Verma only, till the presentation of challan, subject to the following terms:-

- (i) that petitioner Pankaj Verma shall make himself available for interrogation by the police as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;

- (iii) that he shall not leave India without the prior permission of the Court.
- (iv) that he will seek regular bail on the presentation of challan in Court.

It is, however, made clear that the observation in this order are only for the purpose of disposal of these petitions and shall have no bearing on merits of the case or will be taken as expression of view on any contentious issue, which is subject matter of investigation.

August 08, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***