

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

CRL. MISC. No.M-20953 OF 2017
DATE OF DECISION : 17th AUGUST, 2017

Robin Joshi

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.047 dated 07.04.2017 registered under Sections 323, 506, 382, 148 and 149 IPC at Police Station Islamabad, District Amritsar.

Heard learned counsel for the rival parties.

The petitioner is worthy neighbour of the complainant.

Following are the allegations in the FIR against the petitioner :

“Robin Joshi knocked at glass door of shop and asked me to come outside and said that where is your son Sachin Kumar. That I came outside and saw that Robin Joshi was carrying sword (Kirpan) in his hand and he was accompanied by 10/12 other unidentified youths who were aged between 22 and 25 years. Out of them, one of the youth was carrying datar in his hand. That as soon as I came outside Robin asked

the youths he brought with him who were carrying empty glass cold drink bottles in their hands that get hold of doctor and today do not leave him alive and kill him. Then all of them attacked me and the youth who was armed with datar gave me inside out blow of datar on my head and I was saved because of turban tied on my head and they gave blows of glass bottles on my body and I suffered grievous injuries on my right arm and head and all of them lifted me and threw me in the street and gave punches on my chest and I also suffered injury on forehead and I am feeling pain in my chest. That my turban also fell down and Robin spoke derogatory words about my caste and during scuffle they snatched my Nokia mobile phone from pocket of my shirt in which I was using Vodafone and Idea sims, Rs.8500/- (Rupees Eight thousand five hundred only) and wrist watch which I had tied on my wrist. When I raised noise for help then the above accused fled away from the spot along with their weapons while threatening to kill me. Mohan Lal and Balbir Singh have eye-witnessed this whole incident. The reason for bitterness is that some minor arguments had taken place between my son and Robin in the evening.”

The facts narrated above clearly show the manner in which the petitioner has beard with his neighbour, who is a practicing doctor.

He carried sword (Kirpan) in his hand accompanied with 10-12 youths.
It is decisive clear that the person like the petitioner disturbs the law and order for no reasons. There is prima facie case made out against the petitioner for which the FIR is registered against him.

Hence, the petition for anticipatory bail stands dismissed.
The police shall arrest the petitioner immediately.

17th AUGUST, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No