

Criminal Misc. M- No. 24979 of 2017 (O&M)

Date of decision : August 08, 2017

Bharat Singh @ Bharatjit Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Dhawaljeet Dutta, Advocate
for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 170 dated 03.11.2016 registered under Sections 354, 342, 324, 323, 148, 149, 506, 325 IPC at Police Station Dharamkot, District Moga.

It is submitted that in a subsequent inquiry conducted by the Superintendent of Police, Moga, Sections 376, 511 IPC have been deleted. Learned counsel for the petitioner argues that in case the said sections are deleted, no offences is made out against the petitioner under Section 354 IPC as well. Moreover, even if it is accepted that injuries were caused by the present petitioner, it would at best constitute an offence under Sections 323 or 324 IPC. The co-accused Avtar Singh afforded the benefit of anticipatory bail by this Court on 02.05.2017 (in CRM-M No. 8182 of 2017) and co-accused Rinku @ Kuljit Singh was granted the concession

of anticipatory bail by this Court on 26.04.2017. Therefore, this petition be allowed.

I have heard learned counsel for the parties.

It is not in dispute that the co-accused Gurdeep Singh i.e. the father of the petitioner had approached this Court for concession of anticipatory bail, which was dismissed on 01.05.2017 (in CRM-M No. 14687 of 2017). As per the allegations in the FIR, the present petitioner used to tease the younger daughter of the complainant. Number of representations were submitted in this regard before the police officials. A writ was also filed before this Court. When this fact came to the notice of the petitioner and his father, they started abusing the complainant and his family members on 02.11.2016. They reached at the outer gate of the residence of the complainant at 6.30 p.m. The present petitioner, it is alleged, inflicted dang (stick) blows upon the complainant continuously for about six times. Some of the blows hit the complainant on the right arm and left foot. The petitioner's father inflicted a kirpan blow upon the son of the complainant which hit him on his right cheek. The petitioner alongwith others are alleged to have dragged the complainant's daughter and his wife to their house, inflicted injuries upon them and tore off the clothes of the complainant's daughter. The complainant's daughter and his wife were rescued on the intervention of people, who gathered there.

While noting these facts, the concession of anticipatory bail to the co-accused Gurdeep Singh i.e. the father of the petitioner has been declined by this Court on 01.05.2017. Contention of learned counsel for the petitioner that the offence under Sections 376, 511 IPC has since been

deleted, therefore, the petitioner be released on anticipatory bail is not tenable. A bare perusal of the FIR itself reveals that the petitioner cannot claim any parity with the co-accused Avtar Singh and Rinku @ Kuljit Singh.

Keeping in view the facts and circumstances as noted above, there is no ground to afford the concession of anticipatory bail to the petitioner.

Petition is, accordingly, dismissed.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

August 08, 2017
rts

(Lisa Gill)
Judge