

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 203

Case No. : Crl. Misc. No. M-35188 of 2016

Date of Decision : February 09, 2017

Inderpreet Singh alias Bhatti Petitioner
vs.
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

Mr. H. S. Brar, Advocate
for the complainant.

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DEEPAK SIBAL, J. :

In compliance with the order of this Court dated 01.02.2017, Status Report, by way of affidavit of Davinder Kumar, PPS, Assistant Commissioner of Police (Cantonment), Jalandhar, filed today in Court, is ordered to be taken on record. Copy of the same has been handed over to learned counsel for the petitioner.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No. 67 dated 08.05.2016, registered under Sections 307, 323, 324, 341, 506, 148, 149 IPC (Sections 307 and 326 IPC added later on), at Police Station Sadar Jalandhar, District

As per the allegations in the FIR, the petitioner has been attributed grievous injury with a sharp-edged weapon to the complainant Harpreet Singh.

Learned counsel for the petitioner, seeking concession of anticipatory bail for the petitioner, submits that the complainant received four injuries and due to party faction in the village, has implicated four persons including the petitioner; the injury attributed to the petitioner is on a non-vital part and that the petitioner has joined the investigation. In support of his case, learned counsel for the petitioner relies upon a judgment of this Court in the case of **Rajinder Kumar vs. State of Punjab and another – 2016 (1) Law Herald 891.**

Learned counsels for the State as also the complainant oppose the grant of bail.

A perusal of the Status Report, which has been filed by the State in Court today, shows the petitioner's involvement in other criminal cases, the details of which are as under :-

1. FIR No.12 dated 20.01.2010, registered under Sections 323, 324, 452, 506, 148, 149 and 326 IPC, at Police Station Sadar, District Jalandhar. In this case, the petitioner was earlier declared as a Proclaimed Offender, but on a petition filed before this Court, such order was set aside on his surrender before the trial court. This case is stated to be pending trial.
2. FIR No. 33 dated 14.02.2011, registered under Sections 307, 308, 326, 325, 324, 323, 427, 148, 149 IPC, at Police Station

Sadar, District Jalandhar. In this case, the petitioner has been convicted. The appeal filed before this Court is pending. The petitioner is stated to be on bail.

3. FIR No. 203 dated 25.08.2011, registered under Sections 325, 341 and 34 IPC at Police Station Sadar, District Jalandhar. In this case, the petitioner is facing trial.

The Status Report further goes on to state therein that vide DDR No. 36 dated 07.02.2017, the petitioner along with co-accused Jaskaran Singh, after lodging of FIR in which, through the present petition he seeks anticipatory bail, abused and threatened Sharanjeet Singh and Gurpreet Singh, who are the alleged eye-witnesses. The matter is stated to be under investigation.

The injury attributed to the petitioner is grievous and alleged to have been inflicted with a sharp-edged weapon. As per the above-referred status report, the petitioner has been involved in other criminal cases and that while on bail in one or the other criminal cases, is alleged to have committed other criminal offences. He has thus misused the concession of bail granted in those criminal cases. As per DDR No. 36 dated 07.11.2016, which is referred to in the status report filed by the State, the petitioner, along with co-accused Jaskaran Singh, has threatened eye-witnesses in the FIR in which he seeks anticipatory bail with dire consequences, in case they support the case of the prosecution. The weapon allegedly used by the petitioner is also yet to be recovered.

In view of the above, I do not consider the present case to be a

fit one for the grant of anticipatory bail and am further of the opinion that in the case in hand, custodial interrogation of the petitioner is warranted.

The judgment of this Court cited by learned counsel for the petitioner in **Rajinder Kumar's** case (*supra*) does not support the case of the petitioner as the facts of that case are clearly distinguishable. The petitioner in **Rajinder Kumar's** case (*supra*) was found not to have been involved in any other criminal case and that there were no allegations against him to have threatened eye-witnesses.

Resultantly, the present petition is dismissed.

Nothing observed herein above shall be considered as an expression of opinion by this Court on the merits of the case.

(DEEPAK SIBAL)
JUDGE

February 09, 2017
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Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.