

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

1. CRM-M-7782-2018

Mahesh Verma @ Manu

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-14564-2018

Sukhdev Singh @ Kaku

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 31.10.2018

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Naveen Batra, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions as they arise out of the same FIR.

These petitions have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to petitioners Mahesh Verma @ Manu and Sukhdev Singh @ Kaku in FIR No. 16 dated 09.02.2017, registered under Sections 323, 324, 341, 452, 307, 506, 427, 148, 149 of the IPC and Section 3 of Prevention of Damage to Public Property

Act, 1984, registered at Police Station Nangal, District Rupnagar.

Learned counsel for the petitioners has submitted that as per the allegations in the FIR, the petitioners, being member of an unlawful assembly with other co-accused namely Sukhwinder Singh, Gurdeep Singh, Kulwant Singh, Prince Rana, Neeraj and Sukhdev Singh, had caused injury to complainant Subh Kumar.

Learned counsel for the petitioners further submits that there is no opinion of the doctor that the injury was dangerous to life and, therefore, it will be a debatable issue whether offence punishable under Section 307 IPC is made out or not. It is further submitted that in fact there is a cross version registered against the complainant party, vide DDR No. 9 dated 22.02.2017, under Section 323 IPC.

In reply, learned State counsel, on instructions from ASI Balbir Kumar, has submitted that in fact petitioner Mahesh Verma @ Manu is the main accused who convened an unlawful assembly and with intention to kill the complainant, raised *lalkara* and thereafter, given an injury on the head of the complainant with the help of a *Daat*.

Learned State counsel further submitted that the complainant has made a statement that when he was going on a motorcycle on 01.02.2017, petitioner Mahesh Verma has even raised a *lalkara* to teach him a lesson and thereafter, he has committed the offence in question. It is further submitted that the complainant has given a clear statement that with an intention to kill him, petitioner Mahesh Verma has hit on his head and another accused has given a *Daat* blow on his right hand and the other co-accused have given fist and stick blows to the complainant as well as to another injured Gurcharan Singh @ Bikka.

Learned State counsel has further submitted that as per allegations, when injured persons were present in the emergency ward of the BBMB Hospital for their treatment, again accused persons came there and by shattering the glass of the door of the emergency ward, accused/petitioner Sukhdev Singh gave a *Daat* blow on Gurcharan Singh @ Bikka with intention to kill him, which hit on the left side of his head and thereafter another accused Goldy gave a Gandassa blow to Bikka which hit on his head; Kaku gave a *Kirpan* blow to Bikka which also hit on his head and in this manner, both the injured persons have sustained as many as 09 injuries.

Learned State counsel has further submitted that even SMO Dr. Baldev Kumar, who was on duty on the day of occurrence, has given a similar complaint to the SHO, Police Station Khera, which supports the fact that accused persons, in conspiracy with each other and by making an unlawful assembly, not only caused injuries to the complainant as well as Gurcharan Singh @ Bikka at one occasion, rather followed them again and caused injuries to them in the hospital where they were admitted.

I have heard learned counsel for the parties and considering the fact that serious allegations have been levelled against the petitioners, I find no ground to grant anticipatory bail to them.

Accordingly, these petition stand dismissed.

A photocopy of this order be placed on the file of other connected case.

October 31, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*