

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

CRM-M-38586 of 2016 (O&M)

Date of Decision:01.03.2018

Gaurav Batra

..... Petitioner

Versus

State of Punjab

..... Respondent

AND

CRM-M-42496 of 2016 (O&M)

Sandeep Singh @ Deepi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Naveen Sharma, Advocate
for the petitioner(s).

Ms. Monika Jalota, DAG., Punjab.

Mr. Sanjeev Kumar, Advocate
for Mr. J.S.Dadwal, Advocate
for the complainant.

LISA GILL, J(Oral).

This order shall dispose of CRM-M-38586 of 2016 and CRM-M-42496 of 2016. For the sake of convenience, facts are extracted from CRM-M-38586 of 2016.

Petitioners in both the cases seek the concession of anticipatory bail in FIR No.201 dated 04.11.2015, under Sections 323, 354-B, 452, 506, 34 IPC, registered at Police Station Meharban, District Ludhiana.

As per the allegations in the FIR registered on the basis of a statement of Sandeep Singh son of Amrik Singh, the complainant's father was standing outside the gate of his sister's house at about 04.30.p.m. The complainant and his sister, were standing in the Veranda of her house.

Petitioners-Gaurav Batra and Sandeep Singh @ Deepi alongwith co-accused Pamma came in front of the house of the complainant's sister. All three of them gave beatings to the complainant's father, who was standing at the gate. Thereafter, they came inside the Veranda of the house and gave fist and kick blows to the complainant. When the complainant's sister came-forward to rescue him, petitioner-Gaurav Batra tore her clothes. The co-accused inflicted injuries of the complainant's sister. Thereafter, all of them while going back snatched ₹50,000/- from the complainant's upper pocket and a gold chain from his sister's neck. Two mobile phones were also taken by them. On raising alarm, all the three accused ran away from the spot.

It is submitted that the petitioners have been falsely implicated in this case. In-fact, it was the complainant party which was the aggressor and had given beatings to the accused persons regarding which a complaint was submitted before the Commissioner of Police, Ludhiana, by the wife of the co-accused namely Pamma. However, no action has been taken on the said complaint. The complainant party was responsible for creating nuisance in the vicinity many a times and they were found indulging in wrong activities. Several times, they were stopped by the residents of the area but they are anti-social kind of people. It is further submitted that the petitioners have joined investigation and their custodial interrogation is not required. It is thus prayed that these petition be allowed.

Learned counsel for the State has opposed these petitions while submitting that the petitioner-Gaurav Batra is involved in a number of cases, detailed as under:-

1. FIR No. 24/ 2014, under Sections 354, 323, 294, 452, 148 IPC, registered at Police Station Meharban, Ludhiana,
2. FIR No. 107/ 2015, under Sections 382, 34 IPC,

registered at Police Station Daresi, Ludhiana.

3. FIR No. 103/2011, under Sections 323, 324, 341, 506, 34 IPC, registered at Police Station Jodhewal, District Ludhiana.

Petitioner-Gaurav Dutta, has been declared a proclaimed offender in FIR No. 103/2011, under Sections 323, 324, 341, 506, 34 IPC. Therefore, the factum of joining of investigation of the petitioner-Gaurav Dutta, in the present case would not be of any benefit to him.

Petitioner Sandeep Singh @ Deepi is involved in FIR No. 107/2015, under Sections 382, 34 IPC, registered at Police Station Daresi, District Ludhiana and has not joined investigation in this case despite specific orders of this Court. The co-accused-Pamma, in this case is reported to be a proclaimed offender. It is thus prayed that both these petitions be dismissed.

I have heard learned counsel for the parties.

Keeping in view the peculiar facts and circumstances of the case, the specific allegations against the petitioners as well as their antecedents, I do not find any ground whatsoever to afford the concession of anticipatory bail to the petitioners.

Both these petitions are accordingly dismissed.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petitions.

01.03.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.