

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

CRM-M No.44419 of 2018 (O&M)

Date of decision: 08.10.2018

Harmanjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.103 dated 05.08.2018 registered under Sections 452, 379-B, 324, 323, 427, 506, 148 and 149 IPC at Police Station Ghall Khurd, District Ferozepur.

On 25.09.2018, while dismissing the application of the co-accused namely Lovepreet @ Ladi, the following order was passed in CRM-M No.42023 of 2018:-

“As per the allegations in the FIR, the complainant stated that his son namely Hardeep Singh had gone to Ferozepur on 04.08.2018 and when he returned home at about 09/09:30 pm, the complainant and his brother were standing outside their house, then the accused persons armed with their respective weapons including the petitioner – Lovepreet Singh @ Ladi, who was armed with an iron rod stopped the car of his son – Hardeep Singh by putting their tractor in front of the car and started beating him. Thereafter, the complainant's son – Hardeep Singh in order to escape, ran inside the house and then all the accused persons entered his house and again, caused injuries to his son, which hit on his head and other parts of

the body. When the complainant tried to rescue him, the complainant was also given beatings. On hearing their noise, the complainant's brother Balbir Singh and his son Gurjinder Singh came to their rescue and they were also given beatings by the aforesaid persons. Thereafter, the injured persons were taken to hospital for treatment where they were medico legally examined.

Counsel for the petitioner has submitted that though in the FIR, it is stated that the petitioner – Lovepreet Singh @ Ladi was armed with an iron rod, however, no specific injury is attributed to him and the injuries are attributed to the other accused persons. It is also argued that from the bare perusal of the FIR, the offence under Sections 379-B and 452 IPC is not made out and the petitioner is ready to join the investigation.

In reply, learned Senior Counsel, who has appeared of his own, has, however, opposed the prayer for bail on the ground that, in fact, 21 persons attacked the family members of the complainant and in the said attack, 04 persons were injured and the petitioner was part of the conspiracy, who had come to the house of the complainant and caused injuries.

Learned Senior Counsel for the petitioner has further submitted that later on, the car, which was taken away by the petitioner was also recovered from the house of the petitioner.

After hearing the counsel for the parties and going through the contents of the FIR and MLR of injured – Gurinder Singh, it is apparent that 04 persons from the complainant's side have suffered injuries and the petitioner is named in the FIR. The complainant has given a clear version, the manner in which the accused persons armed with their respective weapons have caused injuries to the victims. During the investigation, even the car of the son of the petitioner was recovered from the house of the

petitioner. Therefore, no case for grant of anticipatory bail to the petitioner is made out as the custodial interrogation of the petitioner is required for effecting recovery of the weapons and also considering the gravity of offence, I find no ground to grant anticipatory bail to the petitioner.

Dismissed.”

Counsel for the petitioner has submitted that the as per the allegations in the FIR, the petitioner was driving the tractor and by parking the same in front of the car of the injured – Hardeep Singh, injuries were caused to Hardeep Singh and 03 other persons as noticed above in the aforesaid order.

Since, there are specific allegations against the petitioner that he was member of a group which actively participated in causing injuries to 04 persons, I find no ground to grant anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

08.10.2018

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No