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

1. **CRM-M-44639-2018**
Date of decision: December 06, 2018

Avtar Singh **....Petitioner**

Versus

State of Punjab **....Respondent**

2. **CRM-M-45081-2018**

Kamalpreet Singh **....Petitioner**

Versus

State of Punjab **....Respondent**

3. **CRM-M-45213-2018**

Inderjit Singh and others **....Petitioners**

Versus

State of Punjab **....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Gagan Deep Grewal, Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab.

Mr. Gagan Pradeep Singh Bal, Advocate
for the complainant.

RAJ SHEKHAR ATTRI, J.(ORAL)

Through the instant petitions preferred under Section 438 of
Code of Criminal Procedure, petitioners have sought anticipatory bail in

case bearing FIR No.119 dated 02.09.2018, under Sections 323, 324, 506, 148, 149 of the Indian Penal Code (for short 'IPC') and Section 326 IPC added later on, registered at Police Station Amargarh, District Sangrur.

It is a case of the prosecution that the petitioners along with their associates have caused injury on the person of complainant. Nazir Singh who raised lalkara then Kamalpreet Singh gave a kirch blow on the right hand of the injured. Then Nazir Singh gave Taqua blow on the right side of his head. Then Budh Ram gave stick blow on his left leg. Complainant raised alarm and his mother came forward. Then Manjit Kaur gave soti blow on the left side of the forehead of his mother and Inderjit Singh gave baseball blow on the right side of forehead of his mother in which she suffered three injuries.

However, complainant-Karamdeen suffered one grievous injury with sharp edge weapon.

The remedy of anticipatory bail is extraordinary and should be used in exceptional cases. The Hon'ble Supreme Court in ***Siddharam Satlingappa Mhetre vs. State of Maharashtra and others*** 2011 AIR (SC) 312 pleased to issue the following parameters:-

“122. The following factors and parameters can be taken into consideration while dealing with the anticipatory bail :

- i. The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*
- ii. The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;*

- iii. The possibility of the applicant to flee from justice;*
- iv. The possibility of the accused's likelihood to repeat similar or the other offences.*
- v. Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*
- vi. Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people.*
- vii. The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even greater care and caution because over implication in the cases is a matter of common knowledge and concern;*
- viii. While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;*
- ix. The court to consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- x. Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.”*

Although, the petitioners have joined the investigation yet

keeping in view the seriousness of the offence, this court is of the view

that they are not entitled to the concession of anticipatory bail.

Petitions stand dismissed accordingly.

(RAJ SHEKHAR ATTRI)
JUDGE

December 06, 2018
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No