

CRM-M-50760-2018

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-50760-2018

Date of decision :19th December, 2018

ATUL KUMAR @ ATUL

.....Petitioner

Versus

THE STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr.Harpreet Singh Rakhra, Advocate
for the petitioner.

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

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RAJ SHEKHAR ATTRI, J (ORAL)

The petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.123 dated 04.08.2018, registered under Sections 307, 302, 323, 324, 148, 149 IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Islamabad, District Amritsar.

Learned counsel for the petitioner contended that no role has been attributed to the petitioner for causing any injury in the present case. The petitioner is a person, who had clicked the photographs of the marriage of daughter of brother of the complainant and therefore he has been named in the present case by the complainant under the suspicion that he is a close friend of Sagar with whom the niece of complainant is married. As such no specific role has been attributed against him.

However, after going through the file it transpires that a specific role has been attributed to the petitioner. All the assailants including the petitioner were armed with their respective weapons and caused injuries to the complainant. The petitioner was with a baseball and he along with other co-accused attacked the complainant and his friends Ranjit Kumar @ Golu and Gaurav Sharma and they scuffled with each other.

The facts mentioned in the para No. 2 of the order dated 12.10.2018 passed by the trial Court are reproduced here as under:-

“The prosecution case shorn of unnecessary details is that the prosecution was launched on the statement of complainant Dharminder Singh who has alleged that on 04.08.2018, at about 2:30 p.m., he alongwith his friends Ranjit Kumar alias Golu and his friend Gaurav Sharma were wandering in the fair of Gugga Peer held near their village and suddenly Sagar armed with dater, Vicky Dhaga armed with dater, Arjan armed with kirpan, Kaka alias Pepsi armed with kirpan, Mani armed with baseball, Atul photographer armed with baseball bat, Tony armed with dater alongwith 6/7 unidentified persons out of them one was armed with double barrel gun and one was armed with pistol came infront of them and encircled them. Then on saying of Vicky Dhaga, all the assailants attacked them with weapons and thereafter, they scuffled with each other. At this, Vicky Dhaga exhorted to shoot them. Out of the assailants, one sikh person fired a shot in the air with his 12 bore double barrel and then he fired a straight shot towards them with the intention to kill them and it hit on the chest of Gaurav Sharma and near the right eye of Ranjit Kaur alias Golu and he received pellet shot on his head. Then, Sagar gave dater blow on his head. His body soaked in blood and he fell

down then all the accused gave beatings to them and fled away from the scene after caused injuries to them. They were got admitted to civil hospital after arranging some conveyance. The grudge behind the incident is that his neice Kiran was married with Sagar nine months ago and she was thrown out of the house after given beatings and on that day, they came to their house to take Kiran but they did not sent her and due to this, they caused injuries to them. It is further alleged that on 7.08.2018, injured Ranjit Kumar alias Golu died and offence 302 of IPC was enhanced”.

Keeping in view the alleged nature of grievous injuries attributed to the petitioner no case is made out for granting anticipatory bail to him.

Dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

19.12.2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No