

Sr. No.101

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

CRM-M-51941-2018
Date of decision:27.11.2018

Amandeep

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Subhash Kumar, Advocate
for the petitioner.

Rajbir Sehrawat, J(Oral)

Present second petition has been filed seeking anticipatory bail in FIR No.165, dated 12.07.2018 for the offences punishable under Sections 325,324 and 34 IPC registered at Police Station Rama Mandi, District Jalandhar.

Earlier petition i.e. CRM-M-50042-2018 was dismissed as withdrawn with liberty to the petitioner to avail alternate remedy of regular bail. However, by changing the counsel, the second petition has been filed by the petitioner. The objection by the Registry at the time of filling of this petition also shows that the petition was filed even without disclosing the fact that earlier the petition was filed by the petitioner.

As per the allegations, the complainant Gurpreet Singh and one Taranjit Singh were given multiple injuries by the petitioner and three of his other accomplices. The FIR itself shows that as per the MLR injuries have been found to be sharp edged injuries as well as the injuries caused with blunt weapon. So the medical record supports the version given in the FIR.

There are as many as 2 injuries caused to the Complainant Gurpreet Singh and 8 injuries caused to the above said Taranjit Singh. Still further; as per the order passed by the court below, the place of injury is the left parietal region, occipital region of scalp, over left middle lower back and right side of lower back, over left to right middle back, left forearm and over right border of upper chest. The location of the injuries as well as the nature of injuries; along with the alleged weapons used in the offence; duly supports the allegation levelled in the FIR.

Learned counsel for the petitioner contends that the petitioner is not known by the name Gola; as is mentioned in the FIR. Even if it is taken that he is known by the name Gola, then also no specific injury is attributed to Gola as such. Therefore, the petitioner is not involved in the incident. It is further contended that the petitioner is ready to join the investigation and to co-operate with the police. Therefore, prayer for pre-arrest bail is made.

Having heard the learned counsel for the petitioner, this Court does not find any ground to interfere in the matter, so as to prevent the police from carrying out a full fledged investigation in the matter; by protecting the petitioner from custodial interrogation. It has been repeatedly held by the Hon'ble Supreme Court that the custodial interrogation of the accused is qualitatively and quantitatively different than the interrogation when the accused is interrogated while having a sense of protection of the Court order. No doubt the accused; as individual; has a right of life and liberty. However that right of life and liberty can very well be curtailed as per the procedure prescribed by law. The procedure prescribed by the law prescribes that the investigating officer can arrest an accused even without a warrant. However, to protect a person from un-due harassment at the hands

of police, an extraordinary power has been conferred upon the Court under Section 438 Cr.P.C; to grant an anticipatory bail to an accused. But this power can be exercised by the Court only in case the Court is convinced of some extenuating circumstances, leading predominantly, towards the innocence of the accused, coupled with the fact that in case the accused is granted protection against his arrest, the investigation by the police would not be unduly hampered.

In the present case, there are specific allegations mentioned in the FIR qua the petitioner; along with other persons; as having caused injuries with specified weapons. The allegations mentioned in the FIR are also duly supported by medical evidence. All the other pleas raised by the petitioner are only a matter of investigation which can be deciphered only if the police are given free-hand to investigate the matter in the manner they so desire. This Court does not find any ground in favour of the petitioner; so as to persuade it to exercise its power under Section 438 Cr.P.C.

In view of the above, finding no merit in the present section, the same is dismissed.

27th November, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*