

215.

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

CRM-M-6346-2018

Date of Decision:01.03.2018

Manjit Singh @ Nikka

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Fariad Singh Virk, Advocate,
for the petitioner.

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab
assisted by ASI Major Singh.

Mr.Lakhwinder Singh, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that no offence under Section 452 IPC is made out, in view of the fact that the complainant was admittedly a labourer working with the petitioner, who, according to the petitioner, owed him some money and he was simply brought to the petrol pump of the petitioner, after which he was seen to be leaving the petrol pump, even as per the CCTV footage, very happily; and as per learned counsel he was dropped off at his house and any injury inflicted upon him as alleged, was found to be only a simple injury, which of course the petitioner denies having inflicted, with in any case any offence punishable under Section 323 IPC not being a cognizable offence.

Learned State counsel on query submits on instructions that as per the CCTV footage taken by the police after directions by this Court, as already recorded in the last order, the complainant is being seen pushed inside the premises of the petrol pump of the petitioner, with the allegation

being that he was thereafter beaten up.

He further submits that the allegation is that as a matter of fact the petitioner and his co-accused entered the house of the complainant at about 3:00 p.m. and caused injuries to him and thereafter got him to the petrol pump forcibly, and pushed him inside and further caused him injuries.

In the aforesaid circumstances, without making any further comment on the merits of the case, in my opinion, prima facie an offence under Section 452 IPC having been made out against the petitioner, which is very much a cognizable offence, the petitioner is not entitled to the concession of anticipatory bail.

Consequently, this petition is dismissed. However, all observations made by this Court, either hereinabove or in any previous order, shall be only taken to be in the context of the petition seeking anticipatory bail and not on the merits of the case for or against the petitioner, which would be gone into by the investigating agency and the competent Court at the relevant time.

March 01, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned	: YES/NO
Whether Reportable	: YES/NO