

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.5370 of 2019 (O&M)
Date of decision : 21.02.2019

Mandeep Singh @ Mahna & anr.

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Naveen Sharma, Advocate
for the petitioners.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Mr. A.P.S.Chaudhary, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioners under Section 438 Cr.P.C. in case FIR No.429 dated 20.12.2018 registered under Sections 307/323/341/148/149 IPC at Police Station Saleem Tabri, District Ludhiana.

As per the FIR the complainant and another person were attacked by 10-12 boys who had swords, *punches* and *gandasas*. Apart from other minor injuries the complainant had suffered a fracture on the leg. The complainant further got recorded that he could identify 5 persons amongst the assailants and amongst them were the petitioners, the father of the petitioners and the brother of the petitioners.

Counsel for the petitioners has argued that there is only one serious injury and it is not mentioned in the FIR that the serious injury was caused by the petitioners. Moreover not only the brother and father of the petitioners were arrested even their mother and *bhabhi* were arrested. As per counsel for the petitioners this over-kill took place only because the complainant is a political worker, and in fact a few months ago the complainant had caused grievous injuries to the petitioners (MLR of which is placed at Page-14) but because of his political clout even FIR was not registered.

On the other hand counsel for the complainant and learned Deputy Advocate General on instructions from ASI Prabhjit Singh have argued that in the supplementary statement made by the complainant the mother and *bhabhi* of the petitioners were named as being instigators. They have further pointed out that 11 more cases are pending against petitioner No.1.

Be that as it may, the events as unfolded do not rule out the possibility that this is a case where there was over-kill by the prosecution.

In the circumstances, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners. Resultantly, the petition is allowed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioners are directed to appear before the Investigating Officer on 01.03.2019 and on any other date as and when their presence is required.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

21.02.2019
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No