

Crl. Misc. No. M-51864 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-51864 of 2018

DATE OF DECISION:08.02.2019

Vishal @ Bhotu

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 438 C.P.C. has been filed by petitioner-Vishal @ Bhotu for grant of anticipatory bail to him in case FIR No. 159 dated 6.9.2018 registered under Sections 307,323,324,427,148,149 IPC at Police Station Division No.2, Jalandhar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the case, whereas, no offence is made out against him. As per prosecution version, Sachin, Channi, Bawa, Rohit and others caused injuries to the complainant as well as his friend Gora Gill. The petitioner was neither present at the place of occurrence nor participated in the commission of offence. Learned counsel further contends that injury caused to Gora Gill has been attributed to co-accused-

Bawa. The injuries on the person of the complainant fall under Sections 323 and 325 IPC and no offence is made out under Section 307 IPC.

Learned counsel for respondent-State has opposed the bail on the ground of seriousness of the offence. He contends that offences under Sections 148, 149 are also there and it cannot be said that petitioner was not involved in the commission of offence and accordingly the individual role is not to be seen.

Heard arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other document available on the file.

The FIR was registered on the basis of statement made by complainant-Sandeep @ Sunny, wherein, it was mentioned that on 5.9.2018, he alongwith his friend Pargat Singh @ Gora Gill was going on motorcycle. Accused-Sachin and Channi stopped them and in the meantime 4/5 more persons reached there. Two boys caught hold the complainant from his hands. Sachin and Channi gave beating to Gora Gill. In the meantime, Baba and Rohit also gave beating to Gora Gill. Baba picked up a brick from the road and gave blow which hit on the head of Gora Gill due to which he fell down. It is also the allegation in the FIR that all the accused gave kick blows to Gora Gill while he was lying on the ground.

A perusal of allegations levelled in the FIR clearly shows that allegations are there against all the accused including the petitioner as all accused caused injuries to the complainant as well as his friend Gora Gill. In case of Sections 148 and 149 IPC, individual role is not to be seen. The petitioner was part of the group who caused grievous injuries to the complainant and Gora Gill.

In view of the above, no ground is made out to release the petitioner on anticipatory bail. The present petition being devoid of any merit is hereby dismissed.

February 08, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No