

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

CRM-M-2277-2020

Date of decision-13.02.2020

Hansa Mali @ Hans Raj

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. G.S.Sandhu, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner-Hansa Mali @ Hans Raj has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.174 dated 02.10.2018 registered under Sections 307 and 308 read with Section 34 of Indian Penal Code, 1860 (Section 307 IPC deleted later on and Section 308, 34 IPC added vide Rapat No.26 dated 27.10.2018)at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

The FIR was registered on the statement of complainant, namely, Gurleen Singh @ Sunny son of Jaswant Singh, wherein it was alleged that on 23.09.2018, when complainant had gone to his fields situated at Bura Gujjar Road, Sri Muktsar Sahib on his motorcycle, Gurwinder Singh @ Ginda, Shishu Gill were already present there. They entered in complainant's field after removing the fence. Thereafter, they abused complainant and went away. When complainant was returning home at about 8.30 p.m. from his fields, then Gurwinder Singh @ Ginda armed with

kappa, Shishu Gill armed with kappa, Angrej Singh armed with iron rod and Hansa Mali (petitioner) armed with iron rod waylaid the complainant. Shishu Gill exhorted that the complainant be taught a lesson and they all caused injuries to the complainant with their respective weapons. Hansa Mali also gave a blow with iron rod on head of the complainant, due to which he fell down. On raising noise, all assailants fled away from the spot. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that offence punishable under Section 307 IPC stands deleted during investigation. He further submits that there is delay of 09 days in lodging the FIR as the occurrence took place on 23.09.2018, whereas the FIR was registered on 02.10.2018.

While opposing the prayer, learned State counsel assisted by ASI Harnek Singh contends that the offence is grievous in nature, therefore, petitioner does not deserve the concession of bail. He further submits that the petitioner is named in the FIR and specific role has been attributed to him.

Considering the fact that the petitioner is named in the FIR who was armed with sharp edged weapon and caused injury to the victim, no case is made out for grant of extra ordinary concession of pre-arrest bail.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

13.02.2020

vanita

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