

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12043-2020 (O&M)
Date of Decision:-17.6.2020

Bittu @ Labbal

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Tripathi, Advocate for the petitioner.

Mr. Y.S. Rathore, Addl. P.P., U.T., Chandigarh.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

CRM-10498-2020

In view of the reasons mentioned in the application, the same is allowed and amended memo of parties annexed with the application is taken on record.

CRM-M-12043-2020

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.187, dated 22.10.2019, Police Station Mauli Jagran, Chandigarh, under Sections 365, 307, 342, 506, 147, 148, 149 IPC and Section 25 of Arms Act.

2. The FIR in question was lodged at the instance of Rajat wherein it has been alleged that on 21.10.2019 he had gone to meet his uncle at Mauli Jagran Complex. At about 10.30 pm. when he was returning back to his home at Maloya, he met Constable Ajay and at that time some boys of Rajiv Colony, Panchkula, namely Labbal and Vikcy accompanied by 2-3 of their friends came there and started hurling abuses while stating that the complainant was an agent of the police and had come there for the purpose of spying. Ajay reasoned out with them and thereafter left in his car. However, Labbal and his companions kidnapped the complainant and gave beatings to him and took him to a room in Rajiv Colony, Panchkula, where they gave kick blows and punches to him and also gave beatings to him with a stick. The complainant was tied with a rope and the accused initially left the room but came back and at that time he saw that Labbal was carrying a country made pistol and he loaded the said pistol and pointed the same towards the mouth of the complainant and pressed the trigger but luckily the pistol did not fire and thereafter the accused again gave beatings to him and kept him confined there and later left after locking the room from outside.
3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, still it is a case where no injury with the alleged country made pistol was ever caused to the complainant as despite an attempt having been made by the petitioner Bittu @ Labbal, the pistol did not fire. The learned counsel has further submitted that, in any case, the petitioner deserves the concession of bail on grounds of parity since co-accused Inderjeet has already been granted bail.
4. I have considered rival submissions addressed before this Court.

5. It is a case where the petitioner is specifically named in the FIR and is alleged to have kidnapped the complainant and given beatings to him and also attempted to fire from the pistol, though country made pistol did not fire. The petitioner cannot claim parity with the co-accused Inderjeet since the said Inderjeet is neither named in the FIR nor is alleged to be carrying a pistol.
6. In these circumstances, the petition is sans merit and is hereby dismissed.

17.6.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No