

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102)

CRM-M-15791 of 2020

Date of Decision: 19.06.2020

Manpreet Singh alias Manggu and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Pardeep Kumar Kapila, Advocate, for the petitioners.

Mr. Harmandeep Singh Sullar, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek the concession of anticipatory bail upon FIR no.91, dated 07.06.2020, having been registered at Police Station Boha, District Mansa, against them, alleging therein the commission of offences punishable under Sections 379, 341, 323, 34 and 427 of the IPC.

Learned counsel for the petitioners submits that all other offences as are alleged to have been committed by the petitioners and their co-accused are bailable offences, except the offence punishable under Section 379 of the IPC, and that the petitioner is willing to return the diary that is alleged to have been stolen from the complainant, with the iron rod stolen already stated to have been recovered.

Notice of motion, with Mr. Harmandeep Singh Sullar, learned DAG, Punjab, accepting notice on behalf of the respondent-State, he already having received an advance copy of the petition and having received instructions.

He submits that the a co-accused of the petitioner having even caused a fracture on the foot of the complainant and all of them having come together to attack the complainant, they do not deserve the concession of anticipatory bail.

Having considered the matter, considering the fact that even the fibula bone of the complainant was found to have been fractured as per the MLR which Mr. Sullar has obtained (and the opinion of the doctor thereafter upon the X-ray report having come in), I do not consider this to be an appropriate case where the concession of anticipatory bail should be granted to the petitioners.

Consequently, without making any comment on the merits of the case, for or against the petitioner, this petition is dismissed.

It is of course to be noticed that learned counsel for the petitioner has submitted that as per the FIR, there is no injury on the foot of the complainant.

That seems to be a fact; however, when a person is attacked by 4/5 accused, it is not necessary that he knows exactly where he has been hit, when he has been hit all over his body and hence that contention is rejected.

Of course, in the event of the petitioners' arrest, if he moves a petition under the provisions of Section 439 of the Cr.P.C., that would be dealt with on its own merits.

19.06.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes