

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

CRM-M No.22949 of 2020 (O&M)
DATE OF DECISION : 03.11.2020

Ravi @ Banga

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vishal Aggarwal, Advocate for the petitioner

Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab

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ALKA SARIN, J.

Heard through video conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.96 dated 19.05.2020 under Sections 307,323,324,326,341,506,109,120B, 34 of the Indian Penal Code, 1860 registered at Police Station Sahnewal, District Police Commissionerate, Ludhiana.

The FIR was recorded on the basis of a statement of Shesmani Panday who had stated that he worked in IDBI Bank and on 19.05.2020 his brother namely Nagmani Panday left home for some work at about 6.10 P.M. When he (Nagmani Panday) reached 33 Feet Road near Devraj Diary, three youngsters came on a motorcycle from the front side and intentionally hit his brother's motorcycle. The said three persons had iron rods, kirpan, knives and they surrounded the brother of the complainant and with an intention to kill hit him on his head and arm and after hitting with the *Dah* they amputated the arm and gave blows to his whole body. All the injuries were alleged to have been made with sharp-edged weapons. It has further been alleged that the motive behind the occurrence was that

earlier Nirmal Singh had got attacked the complainant's brother and had threatened to kill the complainant and his brother. A case had been got lodged by the complainant's brother against the PA of Nirmal Singh namely Rakesh Kumar and Rupesh Kumar, Ravi, Ram Dayal etc. It is further alleged in the FIR that the complainant was sure that the murderous attack on his brother was also committed in conspiracy by Nirmal Singh SS, his PA Rakesh Kumar and Rupesh Kumar etc. It was further stated that legal action be taken against Nirmal Singh SS, Rupesh Kumar, Ram Dayal, Ravi, Rohit, Aman Saini, Ramesh, etc. and 4/5 unknown persons.

On 06.06.2020 CRM-M-14545-2020 was filed by one of the accused, Aman Kapoor, for grant of anticipatory bail. Vide order dated 03.07.2020, interim protection was granted to the said Aman Kapoor. After the grant of interim protection to the accused Aman Kapoor vide order dated 03.07.2020, another petition being CRM-M-19195-2020 was filed by an accused Dalip Kumar for grant of anticipatory bail. In this petition (CRM-M-19195-2020), the order granting interim protection to Aman Kapoor has been attached as Annexure P-7. On 13.08.2020 a third case pertaining to the same FIR i.e. the present petition was filed by the petitioner herein for grant of regular bail. In the present petition, the order granting interim protection to Aman Kapoor has been attached as Annexure P-4. The three cases have been listed for hearing on the same dates.

On 27.08.2020, the three cases i.e. the present case, CRM-M-14545-2020 filed by Aman Kapoor and CRM-M-19195-2020 filed by Dalip Kumar came up for hearing before this Court. Status reports were called for from the State in all the matters. On 04.09.2020 interim bail was granted to the present petitioner on the contention made by his counsel that there is no specific allegation or injury which has been attributed to the petitioner except that he had connived with the co-accused.

In the present case, status-reports dated 02.09.2020 and 18.09.2020 have been filed by way of affidavit of Jashandeep Singh Gill,

PPS, Assistant Commissioner of Police (South), Ludhiana. As per the status report dated 02.09.2020, the injured had received 12 injuries on the head, ear, chest, arm, elbow and finger. Out of the 12 injuries, 7 were grievous in nature and one injury was stated to be dangerous to life. It has further been stated that on 23.05.2020 a supplementary statement of the complainant (Shesmani Panday) was recorded where it was alleged that the attack had been got done by Ravi @ Banga through assailants Rupesh Kumar, Aman Saini and Gagandeep Singh. It was also stated that before committing the attack the recce/watch of the complainant's brother was done by Dalip Saini. Accordingly, Gagandeep Singh and Dalip Saini were nominated as accused on 23.05.2020 and assailants Rupesh Kumar and Aman Saini were already named in the FIR. It has further been stated that on 28.05.2020 the complainant made another supplementary statement alleging that Ravi @ Banga, Nirmal Singh SS etc. hatched a criminal conspiracy and had earlier also got the brother of the complainant attacked and that on the date of the occurrence i.e. 19.05.2020 Dalip Saini had done a recce/watch on the complainant's brother and given information to the assailants i.e. Rupesh Kumar, Gagandeep Singh and Aman Saini who, at the instance of Ravi @ Banga, Nirmal Singh SS etc., waylaid him. It was further stated that Aman Saini threw the complainant's brother on the road and then Rupesh Kumar and Gagandeep Singh caused injuries to him with iron *Dahs*. The injury report pertaining to the injured (Nagmani Panday) prepared by SPS Hospitals has been annexed with this status report. It is also stated that Rupesh Kumar and Gagandeep Singh were arrested on 23.05.2020 and 26.05.2020 and Ravi @ Banga was arrested on 30.05.2020. As per the status report dated 18.09.2020, the statement of the injured (Nagmani Panday) was recorded by the Investigating Officer on 07.06.2020 wherein he stated assailants Rupesh Kumar Giri, Raminder Singh @ Gagandeep Singh @ Gaggu and Aman Saini had come on Motorcycle No.PB-91C-4326 and that there were 2/3 other motorcycles also on which Ravi @ Banga, Rakesh Kumar Giri, Ram Dayal, Ramesh,

Dalip Saini and Rohit had come and they were having sharp-edged weapons in their hands and they stopped a little behind. It is also stated in this status report that Aman Saini and Aman Kapoor is one and the same person.

A status-report dated 18.09.2020 has been filed in CRM-M-14545-2020 (Aman Kapoor vs. State of Punjab) by way of affidavit of Jashandeep Singh Gill, PPS, Assistant Commissioner of Police (South), Ludhiana wherein it has been stated that the CD, which has been produced in that case as Annexure P-4, has been minutely examined in which it is visible that the complainant's brother was going on a motorcycle and Aman Kapoor and his two co-accused came from the front side and struck their motorcycle with the motorcycle of the injured. Thereafter, Aman Kapoor and the two co-accused got down from the motorcycle. Aman Kapoor, who had muffled his face, caught hold of the injured from the throat and threw him on the ground and then he gave kick blows to the injured and the other two accused gave the injured *Dah* blows. The CD has been made a part of the challan/final report under Section 173 CrPC presented against the co-accused. It has further been stated in the status report that the injured had received 12 injuries on the head, ear, chest, arm, elbow and finger. Out of the 12 injuries, 7 were grievous in nature and one injury was stated to be dangerous to life.

This Court vide order dated 04.09.2020 had granted interim bail to the petitioner on the basis of the argument made by the learned counsel for the petitioner that there is no specific allegation or injury which has been attributed to the petitioner except that he had connived with the co-accused. However, there is no denying the fact that the petitioner has been named by the complainant in the FIR, in his supplementary statements dated 23.05.2020 and 28.05.2020 and also named in the statement made by the injured. As per the status report dated 18.09.2020, the statement of the injured (Nagmani Panday) was recorded by the Investigating Officer on 07.06.2020 in which the petitioner is named along with others as being

present with sharp-edged weapons when the attack on him (Nagmani Panday) took place. As per the MLR, the brother of the complainant received 12 injuries on the head, ear, chest, arm, elbow and finger. Out of the 12 injuries, 7 were grievous in nature and one injury was stated to be dangerous to life and the injured remained admitted in hospital from 19.5.2020 to 27.05.2020. As per the copy of the MLR, the injury stated to be dangerous to life is injury at Serial No.4 which is longitudinal laceration on parietal region (6x2x2 cms). It is also to be noticed that injury at Serial No.12 was of the left hand middle finger which was partially amputated and was hanging with the skin tag and was stated to be grievous in nature.

There can be no escape from the involvement of the petitioner in the heinous attack on the injured (Nagmani Panday), his name appearing in the FIR, in the supplementary statements made by the complainant and the statement made by the injured. He is amongst the key conspirators. The attack on the injured left him with as many as 12 injuries 7 of which were grievous in nature and one injury was stated to be dangerous to life. No ground has been made out for grant of regular bail to the petitioner.

Keeping in view the gravity of the allegations and the role played by the petitioner and the heinous attack on the injured, I do not find this to be a fit case for grant of bail. The petition accordingly stands dismissed. The interim bail granted vide order dated 04.09.2020 stands cancelled. The petitioner shall surrender forthwith.

However, any observation made herein shall not be construed as an expression of opinion on the merits of the case.

(ALKA SARIN)
JUDGE

03.11.2020

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NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO