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

CRM-M-23282-2020

Date of decision : 01.09.2020

Anuj

...Petitioner

Vs.

State of Punjab

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Fatehjeet Singh, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.186 dated 07.07.2020 under Sections 379-B, 451, 323, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Basti Bawa Khel, Jalandhar.

The allegations in the FIR are that on 06.07.2020 at 9:30 pm the complainant Ansh Setia, a 15 year old boy who is studying in DAV School, Kabir Nagar, Jalandhar, was sitting in his shop and counting the currency notes when the accused Amit, Neeraj, sons of Varinder Sharma and their cousin (petitioner herein) came inside the shop. Amit attacked the complainant with a baseball bat which injured his left hand and Neeraj snatched Rs.8,400/- from his hand and they took him out from the shop and there were about 20-25 unknown persons along with the accused armed with baseball bats, iron karhas, kirpans, brick bats, etc. and they put the complainant down on earth and injured him. On hearing the ruckus, the complainant's father, Raj Kumar, came and all the accused also attacked Raj

Kumar. On seeing a crowd gathering at the spot, all the accused fled from the spot alongwith their weapons.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present FIR and that he has not been specifically named and no specific injury has been attributed to him. It has further been contended that on 06.07.2020, the complainant initiated a scuffle with the Uncle and Cousin of the petitioner and the Cousin of the petitioner made a call to the PCR. On the arrival of the PCR, the matter was compromised with the intervention of the respectables. Thereafter, on the same night i.e. 06.07.2020 at about 9:30-10:00 pm the complainant party - Raj Kumar Setia and his family members - abused the petitioner, his Uncle and Cousins and they gave beatings to the entire family. It is further the contention of the learned counsel for the petitioner that the Uncle of the petitioner was also got admitted to the Civil Hospital.

Learned State counsel has contended that Amit, Neeraj and their Cousin (the petitioner herein) along with 20-25 unknown persons came as a mob with an unlawful object of causing injuries on the person of the complainant and also snatched Rs.8400/- from the complainant. The recovery of weapons as well as money snatched from the complainant is yet to be effected from the accused and hence the custodial interrogation would be required.

I have heard learned counsel for the parties.

In the present case, the petitioner along with co-accused and 20-25 unknown persons formed an unlawful mob with a common object of causing injuries on the person of the complainant. The complainant, who is stated to be 15 years of age, was beaten up and he suffered injuries. Money was also snatched from him. Recoveries are yet to be made by the Police.

Keeping in view the above and particularly the allegation that the complainant, an unarmed minor boy of 15 years of age, was attacked by the accused along with the mob of 20-25 people which resulted in several injuries on the person of the complainant and his father and money was also snatched from the complainant, I do not deem this to be a fit case for grant of anticipatory bail. The petition is hence dismissed.

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

01.09.2020
Kv

(ALKA SARIN)
JUDGE

Whether speaking/reasonable: Yes/No.

Whether reportable : Yes/No.