

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

CRM M-28927 of 2020 (O&M)

Date of Decision: September 24, 2020

Mukesh @ Mukesh Singh	Petitioner
Versus	
State of U.T. Chandigarh	 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Jagan Nath Bhandari, Advocate
for the petitioner.

Mr. A.M. Punchi, APP and
Mr. Anupam Bansal, APP for U.T. Chandigarh.

Mr. D.P.S. Randhawa, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through
video-conferencing on account of outbreak of pandemic COVID-
19.

Petitioner Mukesh @ Mukesh Singh who is in
custody has come up before this Court in this first regular bail
application moved under Section 439 Cr.P.C. in FIR No. 37

dated 17.03.2020 registered under Sections 452, 323, 379, 511, 34, 307 and 397 of IPC at Police Station North Sector 3, Chandigarh.

The allegations have come about by complainant Ritu Shethi alleging that her husband is a lawyer and on 17th March 2020 while her husband heard a noise coming from their roof top rushed thereto. It is, thereafter, the victim saw two persons stealing copper wires from the Dish Antennas installed on the roof top and when he tried to intervene the accused assaulted him with iron rod etc. In all, the injured has received 10 injuries out of which 7 are by the iron rod and have been declared to be dangerous to life and one injury which is by a sharp pointed weapon has pierced through his left eye thereby loosing his eye sight besides the injured has lost five teeth and there are multiple fractures of the skull and the jaw.

Mr. Jagan Nath Bhandari, learned counsel for the petitioner has strongly argued that the petitioner happens to be the domestic help of the complainant and has been falsely implicated on account of money dispute and that the perpetrators of the crime as per the FIR were unknown persons. The counsel submitted that the petitioner is behind the bars since 10.05.2020 and that nothing has been recovered from the petitioner and has sought to take refuge of present pandemic COVID-19 situation to pray for bail.

Mr. A.M. Punchi, APP and Mr. Anupam Bansal, APP for U.T. Chandigarh assisted by Mr. D.P.S. Randhawa, Advocate for the complainant have opposed the bail claiming that the injured a senior advocate assaulted by the thieves in his own home and the number of injuries, their nature and the fact that he has lost eye sight of his left eye are matters which need to be taken note of and sought the dismissal of the bail.

Be so as it may, the medical documents elicited the barbaric nature of this assault. It is in broad day light when the injured has tried to save his belongings and ward off the intruders he has been made to suffer innumerable life threatening injuries and that too in the posh area of this city and which has sent shudders down the spine of the residents. Keeping in view the gravity of the offence, this Court is not inclined to allow the bail. The same as such stands dismissed.

September 24, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No