

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

CRM-M-28323-2020

DECIDED ON: 8th October, 2020

BHARJINDER SINGH @ PABLA SAINI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

AND

CRM-M-26070-2020

HARPREET SINGH @ BOBBY

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

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

Mr. Randhir Thind, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

Bharjinder Singh @ Pabla Saini and Harpreet Singh @ Bobby have filed these petitions seeking anticipatory bail in case FIR No. 154, dated 27th November, 2018, under Sections 323, 324, 379, 427, 148 and 149 of the Indian Penal Code, 1860 (Sections 325 and 326 added later on) registered at Police Station Bullowal, District Hoshiarpur.

The prayer was declined by learned Additional Sessions Judge, Hoshiarpur.

The brief facts of the case are that the FIR was registered at the

Instance of Kevin Chaudhary on the allegations that on 23rd November, 2018,

Shehzad alongwith Abhishek went to Bullowal to get their Maruti car repair. Kevin Chaudhary alongwith his father reached there to pick them for making some purchases from Jalandhar. At about 8.00 PM, Pardeep Singh @ Deepa armed with Kirpan, Bobby armed with Kirpan, Gagan @ Thiara armed with iron road, Ammu armed with Baseball bat, Saini Pabla and Sheru Gujjar armed with Datar and two unknown persons armed with dandas came there. Pardeep Singh raised a lalkara. Thereafter, they inflicted various injuries to Kevin Chaudhary, Babbi and Abhishek. The FIR was registered on 27th November, 2018. It is also alleged in the FIR that glasses of the car were broken and ₹1,00,000/-, lying in the car was taken away. The motive attributed is that three months earlier there was quarrel and the accused had sought forgiveness.

Learned counsel for the petitioner submits that injuries attributed to the petitioners are simple in nature. There is four days delay in lodging the FIR whereas the police station was only 1.5 km away from the place of occurrence.

Learned State counsel opposes the prayer on the ground that all the accused came with a common intention and number of injuries were inflicted i.e. 17 to Kevin Chaudhary, 7 to Babbi and 3 to Abhishek. It is submitted that the injuries attributed to the petitioners though being simple are from the blunt as well as sharp weapon. He further submits that on 23rd November, 2018 at about 8.00 PM incident occurred and the police reached the place i.e. after 12 AM, recorded a short statement of Kevin Chaudhary wherein he stated that he would be in position to give statement in a day or two. Further, he states that on 25th and 26th November, 2018 there was VIP duty and thereafter, on 27th November, 2018 the FIR was registered by the police.

Considering the contentions and the pleadings, no case is made out for grant of anticipatory bail.

No doubt that the injuries attributed to the petitioners are simple in nature but there is no dispute at this stage that they were armed with datar and kirpan and these were freely used to inflict injuries. One of the injury attributed to Bharjinder Singh @ Pabla Saini is on the left side of the head of Kevin Chaudhary. Attribution of role would not be only consideration for grant of anticipatory bail specially when there is a motive mentioned in the FIR. It was in furtherance of the said motive eight persons assembled together at the spot and inflicted injuries. Apart from the injuries there is allegation that ₹1,00,000/- was taken away from the car. In such circumstances the custodial interrogation is required.

The petitions are dismissed.

8th October, 2020.
sham

(AVNEESH JHINGAN)
JUDGE

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