

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

CRM-M No.29293 of 2020
Date of Decision: 08.10.2020

Mandeep Kumar @ Monu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
for the respondent-State.

(Heard through video-conferencing)

MEENAKSHI I. MEHTA J. (ORAL)

By way of the instant petition, petitioner named Mandeep Kumar @ Monu has sought the relief of his pre-arrest bail in the criminal case arising out of FIR No.155 dated 27.07.2020 registered at Police Station Mohkamura, District Amritsar, under Sections 307, 452, 506, 379-B(2), 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959.

Ms. Bhavna Gupta, DAG, Punjab, has joined the proceedings on behalf of the respondent-State, in pursuance of the advance copy of the petition having been sent to the respondent.

The allegations, as levelled by the complainant in the above-said FIR, are that the present petitioner as well as his co-accused, after being armed with weapons like Pistol and Base Ball Bat (slugger), entered into his house and the petitioner put the pistol on his temple and he also fired shots while aiming at his son who escaped and the petitioner and his co-accused also took away Rs.1000-1500/- from the cash box lying in the shop in his house and also snatched away an amount of Rs.1000/- while searching the pocket of his Pyjama.

Learned counsel for the petitioner as well as learned State counsel have been heard in the present petition.

As per the contention of learned counsel for the petitioner, no person was injured in the alleged occurrence and even otherwise, the son of the complainant was having some enmity with the co-accused of the petitioner namely, Prince Jahaz and therefore, there was no occasion for the petitioner to participate in the alleged occurrence and rather, he has been falsely implicated in this case.

However, learned State counsel has argued that the petitioner was armed with Pistol at the time of the said occurrence and he had also fired shots at the son of the complainant, which however, missed the target. She, on the instructions from ASI Labh Singh, further points out that the petitioner is involved/booked in another criminal case bearing FIR No.182, dated 31.08.2020, registered at Police Station Mohkampura, District Amritsar, under Sections 307, 387, 452, 120-B of the Indian Penal

Code and Section 25 of the Arms Act and in these circumstances, the petitioner does not deserve the benefit of anticipatory bail, as prayed for in this petition.

A bare perusal of the FIR (Annexure P-1) reveals that the complainant has specifically alleged that the petitioner, who happens to be his neighbour, along with 7-8 more young boys including his co-accused Prince Jahaz, came to his house and he as well as said Prince jahaz were carrying Pistols in their hands and they continued to fire shots outside his house and thereafter, they trespassed into his house and put the pistol at his temple for threatening him to handover the cash available with him and thereafter, they fired shots at his son.

The fact that no one was injured in the above-said occurrence does not mitigate the gravity of the offence as alleged to have been committed by the petitioner. As regards the enmity of the son of the complainant with the co-accused of the petitioner, named Prince Jahaz, it is worthwhile to mention here that in the FIR itself, the complainant has specifically alleged that his son Joban was having enmity with Mandeep Kumar @ Monu, i.e. the present petitioner, for the last one year. Moreover, the petitioner is also involved in the afore-mentioned criminal case besides the instant one.

In view of the above-discussed facts and circumstances, the requirement of the custodial interrogation of the petitioner during investigation in this case cannot be ruled out. Keeping in view the said

fact as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that the petitioner does not deserve the concession of pre-arrest bail.

Resultantly, the present petition stands dismissed.

October 08, 2020
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(MEENAKSHI I. MEHTA)
JUDGE

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