

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

210

**CRM-M-29965-2020 (O&M)
Decided on : 05.10.2020**

Rasan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Manoj K. Sharma, Advocate for the petitioner.

Mr. Ramandeep Singh, DAG, Punjab.

Mr. S.S. Sandhu, Advocate for the complainant.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

CRM-24684-2020

Application for placing on record documents as Annexures P-4 to P-6 and for exemption from filing certified copies of the same, is allowed. The same are taken on record. Office to append the same at the appropriate place.

CRM stands disposed off.

Main case

The petitioner in the present petition filed under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No.26 dated 20.02.2020 under Sections 452, 506, 148, 149 IPC and Section 25 & 27 of Arms Act, 1959, registered at Police Station Kharar (Sadar Kharar), District Mohali (Annexure P-1).

Counsel for the petitioner has vehemently argued that he is not a licenced gun holder, as per the affidavit filed given and only the co-accused Harwinder Singh is the licenced weapon holder. It is submitted that therefore the petitioner is entitled for the benefit of anticipatory bail.

Counsel for the State has submitted that from the order dated 16.09.2020 passed by the Additional Sessions Judge, Mohali

(Annexure P-3), it would be clear that another FIR No.183 dated 17.08.2020 under Sections 323, 341, 506, 148 and 149 IPC had been registered at the instance of Amandeep Singh and, thus, during the investigation of the present case also, the petitioner continues to brow beat the complainant party and his family members. The offences as such are stated to be bailable and that as no role is attributed to the petitioner, by the counsel.

The allegations in the present FIR as such are that the petitioner alongwith 7-8 unknown persons had entered the house of the complainant-Major Singh at 6:30 PM on 12.02.2020, alongwith a gun and threatened them the land which they had purchased in the year 1995 should be vacated. The identity of the persons was confirmed from the photographs and the videos recorded in the CCTV Camera, which fact has also been noticed by the Additional Sessions Judge. The conduct of the petitioner as such thereafter also has not improved as co-accused Harwinder Singh and the petitioner have given beatings to Amandeep Singh, on account of the land dispute going on.

It is the settled principle that the benefit of anticipatory bail as such is to be granted only where there are malafides against persons alleged. The petitioner alongwith his co-accused had entered in the house of the complainant and threatened them which fact has also been caught on camera.

In such circumstances, the custodial interrogation of the petitioner as such is required to recover the weapon and the vehicles, which were used in the crime. Resultantly, the present petition is dismissed.

OCTOBER 05, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No