

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

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CRM-M-29766-2020(O&M)

Date of Order:16.10.2020

JOBANJEET SINGH

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Ms. Samina Dhir, Deputy Advocate General, Punjab.

Mr. Neeraj Jain, Advocate, for the complainant.

ANIL KSHETARPAL, J(Oral)

CRM-25806-2020

Application is allowed.

Annexure P-5 is taken on record.

CRM-M-29766-2020

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner-Jobanjeet Singh son of Ajaib Singh prays for grant of pre-arrest bail in a criminal case arising from FIR No.0078, dated 26.08.2020, registered under Section 323/324/148/149 IPC (Section 326 IPC added later on vide DDR No.025, dated 31.08.2020), at Police Station City Banga, District SBS Nagar.

The brief facts of the case have been noticed by the learned Additional Sessions Judge, in paragraph 2 of its order dated 17.09.2020, which is extracted as under:-

“The brief facts of the case are that the present FIR was registered on the statement of Ramandeep Singh, wherein he stated that on 22.08.2020, when he was present in his maternal parents house, he received a mobile phone call from his friend Rackel, who told him that he has to talk about some urgent matter and to come near the shop of Deepa situated at Garhshankar Road, Banga. When he reached there in his car bearing registration No.PB01-A-4826, then Rackel came there on his motorcycle along with another person and both of them stood near Goyal Hardware shop. Rackel said that he (complainant) insulted him on yesterday night. In the meantime, Jobanjeet Singh along with his 5/6 friends came there and started giving pushes to him. Thereafter, Jobanjeet Singh gave datter blow on his head but in order to ward off the same, he raised his right hand and the injury was inflicted on his right hand. Thereafter, he fell down on the ground and while lying on the ground, Rackel also gave dang blow on right side of his head. The unidentified persons accompanying applicant also inflicted injuries to him. He raised hue and cry and on hearing the same, his friend Deepa came there and saved him from the clutches of these persons. Thereafter, all the assailants ran away from the spot with their respective weapons. Now apprehending his arrest, applicant Jobanjeet Singh moved the present application U/S 438 of Cr.P.C.”

On 25.09.2020, learned counsel for the petitioner has contended that he has produced a copy of the CCTV footage of the alleged incident, according to which the petitioner has no role to play in alleged occurrence.

Keeping in view the aforesaid facts, Senior Superintendent of Police of the District was requested to file a specific affidavit disclosing exact and clear part/role of the petitioner.

The Senior Superintendent of Police of the District has filed an affidavit. Paragraph 5 whereof reads as under:-

“5. That it is further submitted that on receipt of order dated 30.09.2020, the answering respondent directed Deputy Superintendent of Police (PBI H&F), SBS Nagar, to inquire the matter thoroughly in terms of order dated 30.09.2020, passed by this Hon'ble Court. It is further submitted that Deputy Superintendent of Police, (PBI

H&F), SBS Nagar, vide his report dated 02.10.2020, has reported that after thorough inquiry and by associating the complainant into the inquiry he has watched the CCTV footage, obtained from the DVR of Goyal Hardware Store, Garshankar Road, Naga, in the presence of complainant and Deputy Superintendent of Police, (PBI H&F), SBS Nagar has given chronology of events, in the CCTV footage, as under:-

- That on 22.08.2020, at 10:00 PM, complainant Ramandeep Singh and accused Rinkel along with his co-accused gathered a Garshankar Chowk, Banga, near Goyal Hardware Store. The accused can be seen reaching at the spot on their different motorcycle.*
- At 10.18 PM complainant Ramandeep Singh, accused Rinkel and other unidentified accused can be seen talking at T-point of link road and main highway. At the same time petitioner armed with Datar came there along with his companion armed with Lathi and the said companion of petitioner, armed with Lathi, came with petitioner at the spot, attacked upon the complainant Ramandeep Singh and gave Lathi blow to him and complainant Ramandeep Singh, in order to save himself, ran towards main road and then companion of petitioner chased the complainant-Ramandeep Singh and gone out of the CCTV camera which cannot be clearly visible and while causing injury to the complainant, he assailants and the complainant Ramandeep Singh came towards main road and kept on causing inquiries with Lathi to complainant Ramandeep Singh and complainant Ramandeep Singh fell on the road and during the entire occurrence, petitioner remained at the spot with Datar and went along with other assailants.*
- At 10.20 PM, the petitioner along with all of his companions left the spot, on different motorcycles leaving the complainant Ramandeep Singh injured at the spot. At 10.21 PM, complainant Ramandeep Singh in injured condition went towards link road along with one another person.*
- At 10.22 PM, petitioner along with his co-accused, all armed with their respective weapons again came at the spot on two motorcycles and petitioner can be seen roaming at the spot with his Datar along with his co-accused. One motorcycle can be seen parked at the spot and companion of the petitioner parked the said motorcycle at a side and the remaining companions of the petitioner can be seen searching something with mobile torchlight.*
- At 10.23 pm, one Toyota Etios Car came from link road side and complainant Ramandeep Singh along with one another person seen going in it and at the*

- *same time petitioner armed with same weapon and his companions can be seen searching something with mobile torchlight and thereafter they all left the spot on their motorcycle.”*

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Keeping in view the aforesaid facts, this court is not inclined to grant pre-arrest bail to the petitioner.

Dismissed.

October 16, 2020
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(ANIL KSHETARPAL)
JUDGE

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