

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

(I) CRM-M-10829-2021 (O&M)

Lovepreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-22750-2021 (O&M)

Gurpreet Singh @ Gopi ...Petitioner

Versus

State of Punjab ...Respondent

(III) CRM-M-20768-2021 (O&M)

Vishal @ Vishal Dubey ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 23.07.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Kapil Khanna, Advocate, for the petitioner
in CRM-M-10829-2021.

Mr. Fatehjeet Singh, Advocate, for the petitioner/s
in CRM-M-22750-2021 and CRM-M-20768-2021.

Mr. H.S.Multani, AAG, Punjab,
assisted by ASI Balwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose off the aforesaid three petitions i.e. CRM-M-10829-2021 filed on behalf of Lovepreet Singh; CRM-M-

22750-2021 filed on behalf of Gurpreet Singh @ Gopi and CRM-M-20768-2021 filed on behalf of Vishal @ Vishal Dubey, seeking grant of anticipatory bail in respect of a case registered vide FIR No.0152 dated 16.11.2020 at Police Station Division No.2, District Jalandhar, under Sections 341/324/148/149 IPC (Section 326 IPC added later on).

2. The FIR was lodged at the instance of Anil Kumar, wherein it is alleged that on 05.11.2020, when he was going on his scooter to pick up his brother from his aunt's house, then he was waylaid by the accused Lovepreet and others including Rahul Sabharwal, Shiva, Preet Phagwara, Ajay Tekar and Vishal. It is alleged that Lovepreet grabbed the complainant from his arm while Rahul Sabharwal hit on the left hand of the complainant with a *datar*. Shiva is alleged to have given several blows with *datar* on the head of the complainant. Preet Phagwara is stated to have given a blow on the ear of the complainant with the baseball bat. It is further alleged that Ajay Tekar stated that the complainant be caused more injuries and thereafter, another boy namely Kaka Malhotra also caused an injury to him on his back with some weapon.
3. Learned counsel for the petitioner, namely, Gurpreet Singh has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of a disclosure statement allegedly made by co-accused Rahul, which would hardly carry any evidentiary value.

4. Learned counsel representing the petitioner Vishal has submitted that he is not attributed any injury even as per the FIR and has been falsely implicated.
5. Learned counsel representing Lovepreet Singh has submitted that he is not stated to be armed with any weapon and that the only allegation as per the FIR is that he had held the complainant from his arm while the co-accused caused injuries.
6. Opposing the petition, learned State counsel has submitted that while the petitioner Lovepreet Singh has joined investigation in pursuance of interim directions issued by this Court, the other two accused, namely, Gurpreet Singh and Vishal have not joined investigation despite specific directions issued by this Court. Learned State counsel has further submitted that the accused in the instant case are all seasoned criminals and are gangsters and are involved in multiple cases. It has been informed that while Lovepreet Singh is involved in 3 different FIRs pertaining to offences under NDPS Act as well as under Section 307 & 392 IPC; petitioner Gurpreet Singh is involved in 4 different cases out of which 2 cases are in respect of offence under Section 307 IPC and another 2 are in respect of offence under Section 323 IPC etc. It has also been informed that even Vishal stands involved in 2 cases including a case registered under Section 307 IPC. Learned State counsel has also informed that in fact another co-accused even committed murder after registration of the instant FIR.
7. I have considered rival submissions addressed before this Court.

8. Having regard to the antecedents of the petitioners and the fact that the petitioners Gurpreet Singh and Vishal have not even chosen to join investigation, no special case for grant of anticipatory bail to the aforesaid two petitioners is made out. Their petition as such is dismissed.
9. As far as petitioner Lovepreet Singh is concerned, although he is stated to have joined investigation, but keeping in view the fact that he facilitated the commission of crime by holding the arm of the injured so as to enable the co-accused to cause injuries and while also noticing his previous involvement in other cases, even he is disentitled for grant of anticipatory bail.
10. Consequently, all the three petitions are found to be sans merit and are hereby dismissed.

(GURVINDER SINGH GILL)
JUDGE

23.07.2021

Vimal

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