

105 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12139-2021
Date of Decision: 25.03.2021

LACHHMAN SINGH AND ANR ...Petitioners.

V/S

STATE OF PUNJAB ...Respondent.

CORAM: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

B.S. WALIA. J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.13 dated 05.02.2021 under Sections 323, 452, 148, 149 IPC registered at Police Station Lohian Khas, Jalandhar.
3. Learned counsel contends that the petitioners have been implicated in a false case and that at best, petitioner No.1 is accused of raising *lalkara* while petitioner No.2 is attributed having inflicted *dang* blow, therefore, the petitioners are entitled to concession of anticipatory bail.
4. Notice of motion.
5. Mr. Hittan Nehra, Addl. A.G. Punjab accepts notices and on instructions from *ASI Sarabjit Singh*, vehemently opposes the prayer for grant of anticipatory bail. Learned Addl. A.G. Punjab contends that a perusal of the FIR reveals that 12 accused, armed with *dangs, sticks, baseballs, and spades* entered the house of the complainant at 08:15 p.m. on the day of the incident and petitioner No.1 raised *lalkara* to catch hold of the complainant

upon which the complainant tried to run inside his house, but was prevented by the accused who surrounded him and out of whom, Sher Singh gave baseball blow on the forehead of the complainant while Manjeet Singh gave spade blow also on the forehead of the complainant and on the complainant raising noise and running inside his house, the accused followed him and on the complainants brother Gurpreet Singh and relative Lovepreet Singh coming forward to save the complainant, the accused attacked Gurpreet Singh and Lovepreet Singh with sticks and while Balwinder Singh @ Jabru gave spade blow on the head of complainant's brother Gurpreet Singh, Satbir Singh son of Harnam Singh and Sher Singh gave two consecutive blows of baseball on the left side of his forehead whereafter, Bohar Singh son of Darshan Singh gave a stick blow to Lovepreet Singh, which hit on the fingers of his right hand while Darshan Singh son of Sher Singh gave stick blow upon the left elbow of Lovepreet Singh. Thereafter, on the complainant's mother Rupinder Kaur coming forwards to save the complainant etc, she was given injury on the backside of her right hand and on the complainant party loudly shouting *Mar ditta-Mar Ditta*, all the accused fled from the spot along with their respective weapons. Learned Addl. A.G. contends that the reason for the attack and inflicting injuries was that about a month prior to the date of incident, the accused had a quarrel with the Sarpanch of the village and the complainant's father had sided with the Sarpanch whereafter the accused started nursing a grudge against the complainants father / their family. Learned Addl. A.G. contended that in the circumstances, the plea for anticipatory bail was wholly unjustified.

6. Faced with the aforementioned position, learned counsel for the

petitioner contended that there are a number of judgments that in case of

lalkara / simple injuries, accused are entitled to anticipatory bail. Reference is made to the decision of a co-ordinate Bench of this Court in **Hanif and others Vs. State of Haryana- CRM-M No.12482-2010** decided on 08.07.2010.

7. I have considered the submission of learned counsel for the parties.

8. As per the FIR, 12 persons armed with *dangs, lathis, baseballs, spades*, entered the house of the complainant at about 08:15 p.m. on the day of the incident and inflicted injuries not only on the complainant, his brother, and relative but also his mother on account of grudge nursed by them due to the petitioner's father having supported the Sarpanch in a quarrel about a month prior to the incident.

9. Although, Courts are lenient while considering prayer for grant of anticipatory bail in a case involving lalkara / simple injuries, but the same is not a rule and while considering the prayer for grant of anticipatory bail, apart from considering chances of false implication and victimization, number of other factors are to be taken into account e.g. the nature of the accusation, behavior and conduct of the accused, circumstances peculiar to the facts of the case besides larger interest of society. Decision in Hanifs case (Supra) referred by learned counsel for the petitioner is distinguishable as in said case, no role was attributed to the petitioner, besides there was business rivalry between the complainant and the accused on account of both of them having meat shops adjacent to each other. Whereas in the instant case, in view of the allegations against the accused as well as their conduct

lathis, baseballs and spades, in threatening, intimidating and inflicting injuries on the complainant and other family members on account of grudge nursed by them against the complainants father due to the complainants father having supported the Sarpanch a month prior to the incident on the accused quarreling with the Sarpanch, I find merit in the submission of learned Addl. A.G. that conduct attributed to the accused as an unlawful assembly is bound to chill the heart of any peace loving person with fear and grant of anticipatory bail in such like circumstances, embolden lawlessness. Accordingly, instant case is not a fit case for grant of pre-arrest bail. Resultantly, the petition under Section 438 Cr.P.C., is dismissed.

10. However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

25.03.2021.

'Rajender/Shabha'

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No