

235

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14909-2021
DECIDED ON: 25th AUGUST, 2021

PRIYANSHU @ BOGGA

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Hitesh Verma, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 299, dated 25th October, 2020, under Sections 307, 341, 323, 506, 148 and 149 IPC and Section 25 and 27 of Arms Act, 1959, registered at Police Station Civil Lines, Patiala.

[3] The FIR was registered on the statement of Rihan, recorded on 25th October, 2020. As per the allegations, Rihan along-with his friends namely Magan @ Manggur, Manpreet Singh @ Mani, Charanjeet Singh @ Lalli, Jaspreet Singh, Manggu and Naveen Kumar were returning from Punjab Sports University, Patiala. At about 1.00 PM, the complainant

party was stopped by some persons, 4-5 of them were travelling in Innova

Car, four persons were on two bullet motor cycles and one person was on Aactiva Scooty. Rehan identified those persons as Harvinder Singh Joi, Amar Singh Kalyan, Shibbu Gill, Gopi Thakur, Guri Dhaliwal, Mandeep Singh @ Sonu, Painter @ Mangu and eight/nine other persons. Harvinder Singh Joi raised a lalkara. Harvinder Singh Joi and Amar Singh fired shots towards Charanjeet Singh @ Lalli and Rihaan with an intention to kill them. Rihaan and Charanjeet Singh @ Lalli suffered bullet injuries. The other co-accused had a free hand, gave blows and inflicted injuries. The accused fled away from the spot. The statement of Charanjeet Singh was recorded on the same day in which Priyanshu @ Bogga (petitioner) was named. It was stated that he was the member of unlawful assembly in which shots were fired with an intention to kill, the injured were dragged and given kick blows.

[4] Learned counsel for the petitioner submits that the petitioner was not named in the FIR. He was un-armed and no specific role is attributed to him. No recovery is to be made.

[5] Learned State counsel opposes the prayer for grant of anticipatory bail. The contention is that all the accused in a pre-planned manner, well armed surrounded the complainant party and inflicted injuries including fire arm injuries. All of them had a common intention.

[6] The name of the petitioner surfaced on 25th October, 2020, the day FIR was registered. As per the allegations there were ten/eleven persons who stopped the car of the complainant party and thereafter inflicted injuries including the fire arm injuries. There is explanation putforth as to why Charanjeet Singh @ Lalli would name the petitioner if not involved. The contention raised is that the petitioner was un-armed,

meaning thereby, that he was present at the time of occurrence. In case like present one, it is not possible that in FIR role and injury is attributed to every person. It is only during investigation that the role of each accused can be determined.

[7] No case is made out for grant of anticipatory bail.

[8] The petition is dismissed.

[9] It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

25th AUGUST, 2021
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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |