

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

CRM-M-18540-2021 (O&M)

(1) Mohit ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-24003-2021(O&M)

(2) Karanpreet Singh @ Fateh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-25750-2021(O&M)

(3) Aman ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 14.10.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Navkiran Singh, Advocate for the petitioner
in CRM-M-18540-2021.

Mr. Sandeep Arora, Advocate for the petitioner (s) in
CRM-M-24003-2021 and in CRM-M-25750-2021.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab,
assisted by ASI Ajaypal Singh.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Mohit, Karanpreet Singh @ Fateh and Aman seeking grant of

anticipatory bail in a case registered vide FIR No.15 dated 31.1.2021 under Sections 307/120-B/148/149 IPC at Police Station Basti Bawa Khel, District Jalandhar.

2. The FIR in the instant case was lodged at the instance of Hanuman wherein it is alleged that on 30.1.2021 at about 5 p.m., his son Vishal was called outside by Sajan Safri where some more boys were present, who took Vishal to New Shaheed Babu Labh Singh Nagar, Jalandhar where Aman, Fateh, Karun, Teenu and 8-10 unknown boys were also present. They all attacked Vishal with '*kirpans*', '*datars*' and iron rods with an intention to kill him, as a result of which he sustained multiple injuries on his head, legs and other parts of body. His wrist was chopped off with a '*kirpan*'.
3. It is further the case of prosecution that statement of Vishal could not be recorded on 30.1.2021 as he was declared unfit to make any statement, by doctor at the hospital. Although, subsequently on 2.2.2021, the doctor is stated to have declared Vishal fit to make statement but he did not choose to make any statement on the ground that he was in extreme pain on account of multiple injuries. It was, thus, on 7.2.2021 that his statement (Annexure P-2) came to be recorded by the police wherein he alleged that on 30.1.2021 when he was present in the neighbourhood near his house, he received a WhatsApp call from Sajan Safri, who was already known to him and who asked him to come near '*kothi*' of Jagg, to which Vishal replied that he will not come and that in case Sajan Safri needed to talk to him he himself should come to him. Vishal further stated that thereafter, after a short while, he again received a call from Sajan Safri that he had come in the neighbourhood and asked Vishal to come to outer street. When Vishal went

there, he saw Sajan Safri and another boy namely Baggi. Said Baggi caught hold of Vishal and immediately thereafter Aman, Tinu, Monu, Kali, Karanpreet Singh @ Giani @ Fateh and 2-3 unknown persons, who were hiding nearby came out. He stated that the person, who has been referred to as Karan in the statement of his father, is actually named as Karan Bachha. He stated that all the said persons were carrying arms. Fateh raised a *lalkara* and gave a blow with '*datar*' hitting on the right side of his head. Baggi, who had caught hold of him, pushed him and threw him on the ground. While he was lying down, Sunny gave a blow with '*datar*' which hit him on his right wrist from its reverse side. Sheru is alleged to have given a blow with '*datar*' hitting on his right leg. Tinu, Monu and Kali gave repeated blows while he was lying fallen on ground, hitting him on his legs. In the meantime, Aman gave a blow with '*kirpan*' hitting him on his left wrist, which was severed. When Vishal raised alarm, several persons from the locality were attracted and the assailants, upon seeing them left from the spot while hurling threats to eliminate him (Vishal). Vishal stated that the grudge of the assailants was that his friend Akash had a dispute with Aman and Fateh on account of which he (Vishal) had been caused injuries.

4. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the instant case and that the FIR was lodged on the basis of statement of a person who had infact never witnessed the occurrence in hand.
5. The learned counsel for the petitioner – Mohit has submitted that he is not even named in the FIR. It is subsequently on the basis of statement of Vishal, recorded after about more than a week of the occurrence that he

came to be nominated and that no credibility can be attached to such like statement, which is full of improvements.

6. It has also been submitted that the occurrence in question has been duly recorded in CCTV camera and that none of the petitioners can be identified in the same. It has also been submitted that since some of accused including Gaurav Atwal have been found to be innocent, the same clearly shows that the FIR has been lodged in order to settle some scores and is a result of concoction. The learned counsel has also submitted that the injured Vishal himself stands involved in a large number of cases and in these circumstances, no sanctity can be attached to his statement.
7. Opposing the petition, the learned State counsel has submitted that since the injured Vishal was found to have sustained a large number of injuries including '*grievous*' injuries on vital parts of the body, no case for grant of anticipatory bail is made out. The learned State counsel has further informed that the accused, particularly the accused Karanpreet and Aman have a chequered history, having been involved in a large number of cases, which clearly reflects on their criminal bent of mind and that as such, they do not deserve the concession of anticipatory bail, particularly, when the allegations stands duly substantiated from the medical evidence.
8. I have considered rival submissions addressed before this Court.
9. While it is correct that in the FIR lodged at the instance of father of injured Vishal, the name of petitioner Mohit is not mentioned and nor specific attribution of injuries has been detailed therein. The FIR was lodged on the basis of statement of father of injured, as injured was not fit to make a statement. Though, injured Vishal was declared fit to make statement by the

doctor on 2.2.2021 but he did not get his statement recorded on the ground that he was in extreme pain on account of the large number of injuries and it was only on 7.2.2021 that his statement was recorded by the police. The fact that the petitioner was indeed found to have sustained six injuries including grievous injuries and an injury on his wrist, which is virtually in the nature of an amputation of wrist, it can very well be believed that he must have been in great pain on account of the injuries sustained by him. As such, the mere fact that his statement came to be recorded after about a week of the occurrence cannot be said to be a suspicious circumstance and cannot be held to be a reason to doubt his statement. Vishal, in his statement, has specifically stated that the assailants were armed with deadly weapons including '*datars*' and '*swords*'. Apart from naming Aman and Karanpreet, he has also named the petitioner Mohit, who is referred to as Monu. Aman is alleged to have given a blow with '*kirpan*' which hit him on his left wrist on account of which, the wrist was virtually chopped off. Karanpreet @ Fateh @ Giani is alleged to have given a blow with '*datar*' on the right side of head of injured Vishal. Mohit @ Monu is stated to have given injuries on the legs of injured Vishal, though he is not specifically stated to be carrying any weapon. It is the injured himself who can give the best description of the manner in which the injuries have been caused to him and by whom the same have been caused. The ocular version as narrated by injured finds corroboration from medical evidence as well.

10. As per the medical record, Vishal was found to have sustained as many as 6 injuries out of which 2 injuries have been declared '*grievous*' in nature. The injuries may be described as follows :-

	<u>Description of Injury</u>	<u>Nature of injury</u>
1	Amputation of left wrist	Dangerous to life
2	Injury on head	Sharp and grievous
3	On the left wrist	Sharp, grievous and dangerous to life
4	On the right wrist	Blunt and simple
5	Injury to right lower limb, below on the legs	Blunt and grievous
6	Injury to left lower limb	Sharp and simple

11. The manner in which the aforesaid injuries had been caused shows that the same have been caused in a brutal manner with deadly weapons and it is a matter of sheer luck that the injured has survived.

12. The antecedents of the petitioners also do not reflect a rosy picture. The same are as under :-

<u>Sr. No.</u>	<u>Case details</u>	<u>Status</u>
<u>KARANPREET SINGH @ FATEH</u>		
1	FIR No. 124, dated 22.9.2020 P.S. Divn. No. 2 Jalandhar	Arrest pending
2	FIR No. 37, dated 30.3.2021, P.S. Divn. No. 2, Jalandhar	Arrest pending
3	FIR No. 42 dated 1.3.2016, P.S. New Baradari Jalandhar	Acquitted on 7.6.2017
4	FIR No. 171 dated 7.9.2016 P.S. Bhargo Camp Jalandhar	Convicted on 21.11.2016
5	FIR No. 198 dated 25.7.2016, P.S. Bhargo Camp Jalandhar	Convicted on 14.5.2018
6	FIR No. 97 dated 15.6.2017 P.S. Bhargo Camp Jalandhar	Under trial
7	FIR No. 103 dated 18.6.2017 P.S. Bhargo Camp Jalandhar	Under trial

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| 8 | FIR No. 137 dated 18.6.2017 P.S. Bhargo Camp Jalandhar | Acquitted on 18.1.2019 |
| 9 | FIR No. 202, dated 24.11.2017 P.S. Divn. No. 5 Jalandhar | Under trial |
| 10 | FIR No. 68, dated 13.7.2019 P.S. Lambra Jalandhar | Under trial |
| 11 | FIR No. 177, dated 30.11.2019 P.S. Divn. No. 8 Jalandhar | Under trial |

MOHIT

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| 1 | FIR No. 61, dated 30.5.2019, P.S. Divn. No. 2, Jalandhar | Under trial |
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AMAN

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| 1 | FIR No. 108 dated 30.9.2010, P.S. Basti Bawa Khel, Jalandhar | Acquitted on 15.12.2010 |
| 2 | FIR No. 304 dated 31.12.2011, P.S. Basti Bawa Khel, Jalandhar | Quashed on 20.9.2014 |
| 3 | FIR No. 149 dated 17.8.2012, P.S. Basti Bawa Khel, Jalandhar | Acquitted on 17.7.2014 |
| 4 | FIR No. 148 dated 16.6.2013, P.S. Basti Bawa Khel, Jalandhar | Acquitted on 7.4.2014 |
| 5 | FIR No. 165 dated 26.9.2015, P.S. Basti Bawa Khel, Jalandhar | Under trial |
| 6 | FIR No. 124 dated 22.9.2020, P.S. Divn. No. 2 Jalandhar | Arrest pending |
| 7 | FIR No. 37 dated 30.3.2021, P.S. Divn. No. 2 Jalandhar | Arrest pending |

13. Having regard to the facts and circumstances of the case, particularly the nature of the injuries and the manner in which the same have been caused and also antecedents of the petitioners, this Court does not find any special case for anticipatory bail.

14.All the petitions are sans merit and are hereby dismissed.

15.A photocopy of this order be placed on the files of connected cases.

14.10.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No