

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

Sr.No.204

**CRM-M No.20123 of 2021
Date of Decision: 28.06.2021**

Jaspal Singh @ Lovely

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Sukhdev Singh Khokher, Advocate,
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab
for the respondent.

Mr. Ankit Kharbanda, Advocate
for the complainant.

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MEENAKSHI I. MEHTA, J. (ORAL)

Mr. Ankit Kharbanda, Advocate has joined the proceedings on behalf of the complainant in this petition and has also forwarded his Power of Attorney to this Court through email and the same is taken on the record.

Short reply by way of affidavit of the Deputy Superintendent of Police (Head Quarter), Hoshiarpur-cum-Incharge, Sub-Division Tanda, along-with Annexures R-1 and R-2, is also available on the record.

The petitioner seeks the relief of anticipatory bail in the

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criminal case registered at Police Station Tanda, District Hoshiarpur vide FIR No.36 dated 05.03.2021 under Sections 323, 324, 506, 148, 149 IPC wherein the offence under Section 326 IPC is stated to have been added later on.

As per the allegations levelled in this case, the petitioner, along-with his co-accused, formed an unlawful assembly and they caused injuries to the complainant-injured Mandeep Singh with *Datar, Gandasa* and *Kirpan* in prosecution of their common object.

I have heard learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant in the present petition/bail application and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner was not present at the spot at the time of the alleged occurrence and rather, he had gone to Delhi in connection with the purchase of garments for his shop and even otherwise, the injury attributed to the petitioner has been declared to be simple in nature and in these circumstances, the petitioner deserves the concession of anticipatory bail.

Per contra, learned State counsel as well as learned counsel for the complainant have referred to para 6 of the short reply wherein it has specifically been mentioned that an inquiry was conducted in view of the application moved by the mother of the petitioner pleading his innocence but it was found that FIR had been rightly registered against the petitioner and they have argued that the petitioner, along-with his six co-accused, assaulted the complainant-injured with the weapons like

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Datar, Gandasa and *Khanda/Kirpan* and out of total 11 injuries sustained by the complainant, two injuries have been declared to be grievous in nature and keeping in view these circumstances, the present petition be dismissed/rejected.

As regards the contention of learned counsel for the petitioner regarding the absence of the petitioner at the spot at the time of the alleged occurrence, though the petitioner has placed the photostat copies of certain documents, i.e. Annexures P-3 to P-5, to substantiate the same but however, the plea of alibi can be looked into and adjudicated by the competent Court after evaluating the evidence that would be led on the record during the course of the trial. The afore-said documents do not suffice at all, at this stage, to establish this contention.

So far as the contention regarding the injury allegedly caused by the petitioner to the complainant having been declared to be simple in nature, is concerned, this Court cannot lose sight of the fact that as specifically mentioned in para 5 of the reply, the complainant-injured sustained as many as eleven injuries at the hands of the petitioner and his co-accused in the alleged occurrence who, after having formed an unlawful assembly and being armed with the afore-mentioned deadly weapons like *Gandasa* etc, had attacked him.

Keeping in view the afore-discussed facts and circumstances as well as the gravity of the allegations as levelled in the present case, this Court is of the considered opinion that the petitioner does not deserve the relief of anticipatory bail.

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Resultantly, the present petition stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

28.06.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No