

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20954 of 2021

Date of Decision:06 August, 2021.

Bikram Singh @ Vikram Singh & Others

...Petitioners

Versus

State of Punjab

...Respondent

CRM-M No.21111 of 2021

Harinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CRM-M No.21159 of 2021

Piara Singh

....Petitioner

Versus

State of Punjab

....Respondent

CRM-M No.21178 of 2021

Jagtar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CRM-M No.21219 of 2021

Sukhdev Singh @ Bhura

....Petitioner

Versus

State of Punjab

....Respondent

(Heard through Video-Conferencing)

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

Present: Mr. Suvir Sidhu, Advocate,
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

Mr. Aman Kashyap, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.

All the five afore-mentioned petitions are being taken up together for discussion as well as adjudication because these have arisen out of the same criminal case registered at Police Station Koom Kalan District Ludhiana, vide FIR No.52 dated 31.03.2021 under Sections 307, 323, 506, 148, 149 IPC and the petitioners herein seek the same relief, i.e anticipatory bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by complainant-injured Nachhatar Singh against the petitioners in the subject FIR, are that on 30.03.2021, he, along-with injured Joginder Singh, was on the way to the house of one Nahar Singh and petitioners Sukhdev Singh and Gurmukh Singh, along-with their co-accused Mangat Singh, intercepted them and also insulted and threatened them and then, left the spot. After sometime, he received a phone call regarding his nephew Yodha Singh and brother Surjit Singh's motorcycle having been deliberately hit by the vehicle driven by petitioner Sukhdev Singh and their having suffered the injuries in the said occurrence. He took them to Civil Hospital, Koom Kalan and his family members named Tehal Singh, Lakhvir Singh and Avtar Singh also reached there. At about 1:00 P.M, all the petitioners, along-with their co-accused Denka Singh and Mangat Singh and 5/7 unidentified

persons, came there and they were armed with iron angle, iron rods and wooden sticks and they caused injuries to him (complainant) as well as to said Tehal Singh, Surjit Singh, Avtar Singh, Lakhvir Singh, Yodha Singh and Joginder Singh with their weapons.

3. I have heard learned counsel for the petitioners as well as learned State counsel and learned counsel for the complainant, in these petitions and have perused the files thoroughly.

4. Learned counsel for the petitioners has contended that petitioners Bikram Singh, Manjinder Singh, Amarjit Singh and Kulwinder Singh were not even present at the spot at the time of the alleged occurrence but they have been falsely implicated in this case. Secondly, he has contended that there are contradictions in the details of the injuries as mentioned in the afore-said FIR and the injuries as described in the Medico-Legal Reports (for short "MLRs") of the above-named injured persons. Lastly, he has contended that none of the injuries on the persons of the afore-named injured has been declared/opined to be 'dangerous to life' so as to attract the offence under Section 307 IPC in the present case and in these circumstances, the petitioners deserve the relief as prayed for in these petitions.

5. Per contra, learned State counsel as well as learned counsel for the complainant have argued that all the petitioners and their co-accused were present at the spot and had also actively participated in the crime. Further, there are no contradictions in the injuries as mentioned in the above-said FIR and the injuries as detailed in the MLRs of the said injured persons and moreover, mere intention/*mens-rea* is

sufficient to constitute an offence under Section 307 IPC and it being so, the instant petitions deserve dismissal.

6. As regards the contention of learned counsel for the petitioners regarding the afore-named four petitioners being not present at the spot at the time of the alleged occurrence, it is well-settled that the plea of '*alibi*' can be looked into and adjudicated only after evaluating the evidence led on the record in respect thereof. Hence, this plea cannot be of any avail to the above-named petitioners for seeking the relief of anticipatory bail. Rather, the same can and shall be looked into and ascertained by the trial court at the appropriate stage during the trial proceedings.

7. So far as the contention qua the alleged contradictions in the injuries as detailed in the said FIR and as described in the MLRs of the injured persons is concerned, it can also not be looked into and appreciated at this stage. Rather, the same will be the subject matter of consideration and adjudication before the trial court on the basis of the evaluation of the testimonies of the doctors, who medico-legally examined and treated the said injured persons and the other relevant prosecution evidence as would be recorded during the course of the trial.

8. Then, as regards the offence under Section 307 IPC, it is the element of *mens-rea* or the knowledge which is the key factor to ascertain as to whether this offence is made out or not. Though, it would again be the factum to be looked into and adjudicated after appreciating the evidence as would be led during the trial proceedings but however, even at this stage, this Court cannot lose sight of the fact that the alleged

occurrence, resulting into the injuries on the persons of the above-named injured, had taken place in the broad day light at a public place like Civil Hospital at Koom Kalan which is supposed to be frequented by a number of patients and their attendants and as specifically alleged in the subject FIR, all the fourteen (14) petitioners, along-with their co-accused Denka Singh and Mangat Singh as well as 5/7 unidentified assailants, had attacked the afore-said (seven) injured persons after being armed with weapons like iron rods, iron angle etc. and had caused injuries to them and thus, they went on rampage and created a ruckus at the spot which would have left the onlookers present there, in awe and scare. This fact, in itself, does suffice to decline the prayer of the petitioners for anticipatory bail.

9. As a sequel to the fore-going discussion, it follows that the petitioners do not deserve the relief of anticipatory bail. Resultantly, all the five petitions in hand stand dismissed.

10. However, it is clarified that nothing contained here-in-before shall be construed to be an expression or opinion of this Court on the merits of the present case.

(MEENAKSHI I. MEHTA)

JUDGE

06-08-2021.

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Whether speaking/reasoned?	Yes
Whether Reportable?	Yes