

104

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

CRM-M-22587-2021

Date of Decision: 09.06.2021

Heeraj Kumar @ Tinu**.. Petitioner****Vs.****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Navkiran Singh, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.15 dated 31.01.2021 under Sections 307, 120-B, 148 and 149 IPC, 1860, registered at Police Station Basti Bawa Khel, District Jalandhar, as he apprehends his arrest in this case.

The allegations contained in the FIR as notice by the Addl. Sessions Judge, Jalandhar in the order dated 02.06.2021 are as under:-

“The brief facts of the case of the prosecution are that the present FIR in question has been registered on the statement dated 30.01.2021 got recorded with the police by complainant Shri Hanuman son of Paras Nath, resident of House No.28, Baba Kahan Dass Nagar, Basti Bawa Khel, Jalandhar. As per his statement he is doing private job with Fancy Tent House, Jalandhar. His daughter Komal and son Vishal lives in the house as his wife has died. Sajjan Safri, Aman son of Tarsem Lal and Teenu (present applicant/ accused) of their mohalla along with two more boys namely Karan and Fateh came to their house many times and they used to give threats to kill him and his son Vishal. On 30.01.2021 at about 05.00 P.M., aforesaid Sajjan Safri called his son outside the house where already more boys were present and as per pre-planning, they took his son Vishal to New Shaheed Babu Labh Singh Nagar, Jalandhar where already Aman,

Fateh, Karan, Teenu and 8/10 unknown boys were present and they all as per conspiracy hatched by them, attacked his son Vishal with kirpans, datters and iron rods with intention to kill him, due to which his son received injuries on his head, legs and other body parts and they also separated the wrist of his son Vishal by giving kirpan blow. His son Vishal is presently admitted in Joshi Hospital and is unconscious and complainant prayed for taking action against Sajjan Safri, Aman, Teenu, Fateh, Karan and 8/10 unknown boys for attacking his son Vishal with an intention to kill him.”

Learned counsel for the petitioner has argued that though the petitioner is named in the FIR, but the injuries inviting the offence punishable under Section 307 IPC have been caused by the other co-accused. It is further contended that the alleged occurrence took place on 30.01.2021 and though as per doctor's opinion the injured was found fit for giving statement on 02.02.2021, but his statement was recorded after a long delay on 07.02.2021. He submits that as per the statement of the injured (Annexure P-2), the petitioner along with Monu and Kali gave blows on his legs while he was lying down. Learned counsel has further invited the attention of the Court to the orders dated 23.04.2021 and 07.05.2021, whereby the co-accused have been extended the concession of interim pre-arrest bail by this Court to claim parity. He submits that in the given facts, the custodial interrogation of the petitioner may not be necessary, who is ready to join the investigation. He prays for anticipatory bail.

After hearing the learned counsel for the petitioner, this Court finds that as per prosecution, the victim suffered in all, six injuries and perusal of the injury report dated 03.02.2021 (Annexure P-3) reveals that the patient was brought to the hospital with profuse bleeding from scalp, left hand and had suffered massive blood loss. The victim suffered multiple fractures all over his body, including the fractures of right parietal and

temporal bones, right knee and his left wrist was nearly chopped off. The argument that the petitioner did not cause any injury, which is grievous or on the vital part of the victim, is without any merit, as according to prosecution, the petitioner being a member of the unlawful assembly participated in the crime. The orders relied upon by the learned counsel for the petitioner passed in respect of the co-accused are interim in nature and therefore, the petitioner cannot derive any benefit of it particularly in the light of the role assigned to him.

Resultantly, considering the above background, the nature and seriousness of the offences, this Court without expressing any opinion on the merits of the case, does not find it to be a fit case for grant of extraordinary concession of pre-arrest bail to the petitioner.

Dismissed.

09.06.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No