

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

101

CRM-M-22917-2021

Date of Decision : July 15, 2021

ROHIT HANS

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Naveen Bawa, Advocate
for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.140 dated 16.5.2021 under Sections 323, 341, 307, 379-B, 148, 149 IPC, registered at Police Station, Division No.3, District Ludhiana.

As per the contents of the FIR, complainant and his friend Karandeep Kalia son of Vishnu Dutt Kalia were coming back on their vehicles from the house of the friend of the complainant who is residing at Gaushala Road, Ludhiana. The complainant was on his activa and his friend Karandeep Kalia was on his motor cycle (Splendor). When they were going to Baba Than Singh Chowk from Mata Vaishno Devi Chowk approximately 12.05 a.m. then on the way, little ahead of Raj Jewelers, they reached near Dashmesh Singh Sabha Gurudwara then in the meantime, approximately 10-12 boys armed with weapons came there on motor cycles from their back side and after stopping them, Vishal Gill,

Steam Sahota, Kartik Baggan, Akhil Sabharwal, Rohit Hans (petitioner) Real Pendu, Jatin Trendy and 5-6 unknown persons were there. Vishal Gill parked his motor cycle in front of the motor cycle of Karandeep Kalia and removed the key. Thereafter Karandeep Kalia asked the reason for removing the key and then Akhil Sabharwal slapped Karandeep Kalia and Vishal said to the complainant that they do not have any concern with him and they will teach lesson today to Karandeep Kalia only. Thereafter all of them attacked Karandeep Kalia with an intention to kill him and he raised voice in a loud manner for safety. Thereafter Vishal Gill gave blow of sword holding in his hand on the head of Karandeep Kalia with an intention to kill him which hit on his forehead. Steam Sahota hit on the head of Karandeep Kalia with iron khanda holding in his hand, blow of the same was also landed on his head. Akhil Sabharwal hit Karandeep Kalia on the leg with iron khanda holding in his hand which landed on his knee. Rohit Hans (petitioner) hit on the left hand of Karandeep Kalia with sword holding in his hand and Real Pendu hit on the arm of Karandeep Kalia with sword holding in his hand and 5-6 other unknown persons attacked upon Karandeep Kalia with baseballs and sticks with an intention to kill him. Due to this, Karandeep Kalia got injured and fell on the ground and Kartik Baggan was showing to someone by making video call when he was lying down and was saying that we have taken revenge of your quarrel and by saying so they all fled away from the spot on the vehicles alongwith their weapons and also while leaving also took mobile phone V-7 alongwith silver chain lying on the neck of Karandeep Kalia. Thereafter he was taken to Civil Hospital in an injured condition with the

help of one Dipanshu. It is further stated in the FIR that reason behind the grudge was that the companions of Karandeep Kalia gave beatings to Puneet Bains friend of Vishal Gill some time earlier near Cheema Chowk, due to which these all were having grudge against Karandeep Kalia.

The learned counsel for the petitioner has submitted that in the present case the petitioner has been falsely implicated and even as per the allegations contained in the FIR the only allegation against the petitioner was that he had hit the injured on the left hand with sword holding in his hand. He further submitted that as per the MLR, there was no injury on the hand although there was an injury on the forearm and the injuries which have been declared as grievous do not pertain to the petitioner. He has, therefore, prayed for the grant of anticipatory bail.

On the other hand, Mr. Randhir Singh Thind, learned DAG, Punjab has submitted that it is a case where a gang of about 15 boys collectively attacked Karandeep Kalia and severe injuries were caused to him. He further submitted that out of nine injuries which were caused to the injured, two were declared as grievous. He further submitted that the mere fact that the injury attributably to the petitioner as per the FIR that he had hit on the hand does not reflect in the MLR would not mean that the petitioner was not involved in the crime. He submitted that the FIR is not an encyclopedia and it is only an information given to the police and as per the MLR, an injury was inflicted on the forearm and, therefore, it cannot constitute a ground for grant of anticipatory bail to the petitioner. He further submitted that it was a case of gang attack of about 15 boys on

one person, who had badly injured him with an intention to kill him and sword which was used by the petitioner is yet to be recovered and the petitioner is absconding. He submitted that in view of the gravity of the offence and the circumstances of the case, the petitioner is not entitled for anticipatory bail.

I have heard the learned counsels for the parties.

As per the allegations, a gang of about 15 boys had attacked one Karandeep Kalia and all the boys allegedly gave blows to Karandeep Kalia, who was badly injured and suffered 9 injuries out of which 2 were declared as grievous. The argument raised by learned counsel for the petitioner that as per the allegations in the FIR, the injury was caused by the petitioner on the hand by the sword but as per the MLR there is no injury on the hand would not be sustainable at the time of considering the petition for anticipatory bail. The FIR is not an encyclopedia and the presence of the petitioner is reflected in the FIR. It is a case where allegedly gang of 15 boys attacked one person and badly injured him and, therefore, the petitioner cannot get the benefit of the recording made in the FIR that he has caused injury only on the hand as the same was a collective effort. As per learned State counsel, the recovery of the weapon is yet to be made. The gravity of the offence is so high that it would certainly dis-entitle the petitioner for grant of anticipatory bail.

Therefore, without commenting anything on the merits of the case, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

Consequently, the present petition is, hereby, dismissed.

July 15, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

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Yes/No