

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2021-07-16 14:31
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CRM-M-25191-2021

Date of decision : 14.7.2021

Vishavjeet Kapoor

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Karan Nehra, Advocate
for petitioner.

Mr. Sarabjit Singh Cheema, AAG Punjab.

Mr. Y.S. Dhillon, Advocate
for complainant.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

By filing this petition under Section 438 Cr.P.C., petitioner has sought anticipatory bail in FIR No. 1 dated 1.1.2021 registered under Sections 323, 341, 452, 427, 34 IPC at Police Station Kharar, District SAS Nagar, Mohali.

FIR was registered on the statement of one Mohan Singh, who is working as a Manager at Hotel Weston Desu Majra. He stated that he resides in hotel. On 1.1.2021 at about 3.10 am, when complainant and Harpreet Singh (Accountant of hotel) were coming to reception area of hotel then three unknown persons who were carrying iron rods started beating Harpreet Singh (Accountant of hotel). When complainant ran to aid of Harpreet Singh then unknown assailants surrounded him and beat him with iron rods. They also broke two LCDs lying at reception. They picked up a LCD and smashed it on the head of complainant. One Ankit who was staying in room No. 101 was also injured in incident. Thereafter, after causing injuries, they fled away in a car bearing registration No. CH01-5556. Later on, complainant found out that one of assailants was Ravit Kapoor.

Learned counsel for petitioner has argued that allegations in FIR are totally false. The petitioner has his residence just about 100 yards from hotel. On

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the day of incident, there was a new year party going on in his residence. The brother of petitioner Ravit Kapoor had just gone out for stroll when 5-6 persons, who were in intoxicated state, entered into altercation with him. They picked him and confined him in the hotel and caused him injuries. They also demanded ransom for his release. The petitioner's brother gave him a call and the petitioner immediately rushed to his aid.

Learned State counsel has placed on record CCTV footage of incident. As per CCTV footage, three persons are seen entering the hotel carrying iron rods. One of them is petitioner. The second one is Ravit Kapoor (brother of petitioner) and identity of third one is not established. In the CCTV footage, petitioner is seen beating the complainant with an iron rod. The brother of petitioner is seen beating Harpreet Singh with rod.

In the face of CCTV footage, the contention of Mr. Nehra that petitioner had come to aid of his brother who had been confined by 5-6 unknown assailants cannot be believed because CCTV footage shows petitioner accompanied by his brother and one unknown person coming together and then causing injuries to the complainant and Harpreet Singh. The complainant and accountant of hotel have been thrashed brutally. Though the injuries are stated to be in simple, however, the petitioner had trespassed into hotel and caused injuries to hotel staff. In the face of this, no ground is made out for grant of anticipatory bail to petitioner.

Dismissed.

(HARINDER SINGH SIDHU)
JUDGE

14.7.2021
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No