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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28845-2021

Date of Decision: 26.07.2021

Pankaj Salhan

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Dhawan, Advocate for the petitioner.
Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.62 dated 20.06.2020 under Sections 307, 323, 324, 148 and 149 Indian Penal Code, 1860 (Section 326 IPC added later on), registered at Police Station Sadar, Phagwara, District Kapurthala. He apprehended his arrest at the hands of Police in the above said FIR.

The FIR was registered on the basis of statement made by complainant Mohan Lal and the allegations noticed by the Addl. Sessions Judge, Kapurthala in the order dated 28.10.2020, while declining the bail application of petitioner, read as under:

“The above FIR was registered on the basis of the statement made by complainant Mohan Lal son of Gurmit Ram to the effect that he is an agriculturist and has got 02 children. He has taken 11 fields on rent. That day, he alongwith his nephew Akashdeep were watering the fields of rice when at about 11 A.M., 7/8 motorcycles on which 2/3 persons were riding came shouting by raising lalkaras and entered in his fields. They were armed with kirpans, datars and iron rods. Sonu asked other persons to cause injuries on the person of the

complainant and his nephew. They tried to ran away in order to save themselves but all the accused armed with weapons chased them. Sonu with intention to kill him gave datar blow on back side of his head and gave another blow on his head as a result of which he fell down on the ground. His nephew came forward to save but the accused also gave injuries on his person and he also fell down on the ground. Sukha son of Balbir gave datar blow on him with an intention to kill which hit him on his right arm. Another blow hit him on his elbow. Sukha son of Jaswant Rai gave datar blow on his back. Pankaj gave datar blow from reverse side on his left arm. Deep Fateh gave iron rod blow on his right leg and knee. They also snatched away his mobile and driving licence. They raised hue and cry and people attracted to the spot. On seeing them, all the accused ran away from the spot alongwith their respective weapons.”

Learned counsel for the petitioner has argued that the petitioner was not present at the place of occurrence on the alleged date, but yet, has been falsely implicated in the above case, as he is closely related to one of the accused, namely, Sonu. As per the allegations, the petitioner gave datar blow from reverse side on the left arm of the complainant. It is prayed that as the petitioner is willing to join the investigation, therefore, concession of anticipatory bail be granted to him.

Learned State counsel has opposed the prayer on the ground that the name of the petitioner has been specifically mentioned in the FIR, who gave datar blow on the left arm of the complainant (Mohan Lal), who had in all suffered nine injuries. It is further pointed out that another victim, namely, Akashdeep had suffered three injuries in the said occurrence.

After hearing the learned counsel for the parties and considering the above background, this Court finds that as per the version of the complainant, the petitioner was armed with a sharp edged weapon, who participated in the crime and caused injury to victim Mohan Lal.

Considering the seriousness of the offence, but without expressing any

opinion on the merits of the case, this Court does not find it to be a fit case

for grant of extra ordinary concession of pre arrest bail to the petitioner.

Dismissed.

26.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No