

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29963-2021

Date of Decision: 30.07.2021

Om Koldhar @ Om

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in case FIR No.143 dated 22.05.2021, under Section 307/452/324/323/34 of Indian Penal Code, 1860, registered at Police Station Phillaur, Jalandhar Rural.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and offence under Section 307 IPC was not attracted. He has stated that although his name finds mention in the FIR and the allegation qua the petitioner was that he alongwith other co-accused entered into the house of the complainant and had given stick blows to the maternal grandfather of the complainant and,

therefore, Section 307 IPC was not attracted. He also further referred to the order passed qua the co-accused namely Taaro @ Tara Rani in which interim protection was granted.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that it was a serious case and the petitioner was not at parity with the co-accused namely Taaro @ Tara Rani because the only role attributable to her was that she had raised lalkara and no injury was attributable to her and, therefore, the petitioner is not at parity with the said co-accused namely, Taaro @ Tara Rani. He has submitted that the matter is still at the investigation stage and recovery is yet to be made from the petitioner. The learned State counsel submitted that the FIR was lodged on 22.05.2021 and the petitioner is still absconding and his custodial interrogation is required in the present case.

I have heard the learned counsel for the parties.

So far as the parity of the petitioner with the other co-accused namely Taaro @ Tara Rani is concerned, a perusal of the order passed while granting interim protection to co-accused Taaro @ Tara Rani as well as a perusal of the FIR would show that the only role attributable to the aforesaid Taaro @ Tara Rani was raising of lalkara and no injury was attributable to her and, therefore, she was granted interim protection. However, in the present case the perusal of the FIR would clearly show that the role was attributable to the petitioner that alongwith other co-accused entered into the house of the complainant and had given stick blows to the maternal grandfather of the complainant. Therefore the petitioner is not at parity with the co-accused Taaro @ Tara Rani. The arguments raised by the

learned State counsel that the custodial interrogation of the petitioner is required in view of the fact that not only the petitioner but he was accompanying by other persons also who had attacked Balvir Kumar and serious injuries have been caused to him and recovery of weapon is till to be effected does carry some weight.

In view of the above, I do not find any merit in the present petition.

Consequently, the present petition is hereby dismissed.

30.07.2021
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No