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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31428-2021
Date of decision-16.08.2021

SAURABH SHARMA @ ABHI

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Monty Goyal, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 261 dated 16.11.2020 under Sections 323, 341, 325, 34 & Sections 307, 506 & 201(added later on) Indian Penal Code, 1860 registered at Police Station Moti Nagar, District Ludhiana. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

The FIR was registered on the statement of Arwinder Singh and the allegations as noticed by the learned Additional Sessions Judge, Ludhiana in the order dated 06.07.2021 are as under:

“As per version of the prosecution case, the present case has been registered on the basis of the statement of

complainant Arwinder Singh with the allegations that on 11.11.2020 at about 09:00 PM, the complainant along with his friend Ramandeep had gone to Mochpura Market in connection with some personal work, where Ramandeep had attended one telephonic call and after that, he had told the complainant that he is having financial dealings with Abhi Tatoo Wala, Mundian Wala Road, who is asking Ramandeep to meet him immediately. On this, the complainant along with Ramandeep started towards R.K. Road ahead of Cheema Chowk on the motorcycle. But, Abhi and Kartik residents of 33 Feet Road, Mundian Kalan were already standing at R.K. Road, who had stopped the motorcycle of the complainant and then, both of them started arguing with Ramandeep. When the complainant tried to stop them, then both of them became furious and Abhi had caught hold of the complainant from his arm whereas Kartik had given iron rod blow on the head of the complainant, which had hit on the left side of his head and Abhi had given several blows of some heavy article on the chest of the complainant, upon which, he fall on the road. In the meantime, 02/03 unknown accomplice of Abhi and Kartik also reached at the spot and all of them had given beatings to Ramandeep when the complainant was lying on the road. Thereafter, passers-by started gathering at the spot, upon which, Abhi and Kartik along with their unknown accomplice had fled away from the spot along with their respective weapons while threatening complainant of dire consequences. Initially, Ramandeep had taken the complainant to Civil Hospital, Ludhiana, where he was medico legally examined by the doctors. But as the blood had not stopped to ooze out from the injuries of the complainant, Harpreet Singh brother of the complainant had taken him to CMC Hospital, Ludhiana, where he remained admitted for one day. On 13.11.2020, complainant Arwinder Singh was taken to Orison Super Specialty Hospital, Ferozepur Road, Ludhiana

for his medical treatment.”

Learned counsel for the petitioner has argued that the complainant has falsely implicated the petitioner, who was not present at the spot and the injury inviting the alleged offence punishable under Section 307 Indian Penal Code has been attributed to his co-accused Kartik. As per prosecution, petitioner had a dispute with Ramandeep Singh, whereas injured is friend of Ramandeep, therefore, there was no reason for the petitioner to cause any injury to injured (Arwinder Singh). He submits that in the given facts, the custodial interrogation of the petitioner may not be necessary and prays for anticipatory bail.

On the other hand, the prayer is opposed by learned State counsel, assisted by SI Balbir Singh who has argued that the friend of the injured had received a call from Abhi (petitioner) and when they were going to meet him, they were stopped by the assailants. He has pointed out that the victim, Arwinder Singh suffered two injuries and injury on forehead caused by iron rod blow attributed to co-accused Kartik was declared dangerous to life, but the petitioner also caused injuries on chest with some heavy object. He submits that the petitioner participated in the crime alongwith co-accused.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the name of the petitioner is specifically mentioned in the FIR, who allegedly along with co-accused caused injuries upon injured Arwinder Singh, who, tried to intervene in a dispute between Ramandeep and the petitioner.

Resultantly, without meaning any expression of opinion on the

merits of the case, this Court does not find it to be a fit case for extending the concession of anticipatory bail to the petitioner.

Dismissed.

16.08.2021

Vipin kumar

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No