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

CRM-M-33173-2021
Date of Decision: 25.08.2021

Deepak Singh @ Deepa

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Tanvir S. Grewal, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

- [1] The matter is taken up for hearing through video conference due to COVID-19 situation.
- [2] This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in case of FIR No.110 dated 23rd April, 2021, under Sections 160, 307, 324, 148, 149 of IPC [Sections 380, 427 and 326 were added later on] registered at Police Station Phillaur, District Jalandhar Rural.
- [3] The FIR was registered on the basis of a secret information that two groups were fighting with each other. The police acted upon the information. Statement of Lakhwinder Singh son of Gurmail

was recorded. He stated that while returning back home after closing his shop, he saw two groups fighting with each other. They attacked his car with Darters and Swords, he ran away leaving the car. The car was damaged, an amount of ₹ 1,36,930/- and his phone were stolen.

[4] Mr. Tanvir S. Grewal, learned counsel for the petitioner submits that it is a case of false implication. The second group i.e. Shashi Kant's group was actually the aggressor. The petitioner is the victim. The submission is that on MLR of petitioner and his associates, time 8:30 P.M. and date 23rd April, 2021 is mentioned that is prior to F.I.R., hence the story put forth is improbable. It is further argued that brother of the petitioner suffered grievous injuries whereas there is no M.L.R. of other group. The contention is that brother of the petitioner remained hospitalized for 10 days and thereafter arrested. It is argued that petition for directions to the official respondents to conduct fair investigating was filed before this Court.

[5] Ms. Monika Jalota, Deputy Advocate General, Punjab vehemently opposes the prayer for grant of anticipatory bail. She submits that as per F.I.R. and the information received, both the groups had fixed the time and thereafter fight took place. They were settling the scores. She refutes the contention of difference between the time mentioned in the M.L.R. and F.I.R. She submits

that injuries in M.L.R. can either be self inflicted also as is apparent from nature of injuries or it is a case of pre-planning to save themselves in case F.I.R. is registered for the fight which was fixed.

- [6] There was secret information with the police of fight taking place between two groups. The people involved in the fight were duly identified and specifically named in the F.I.R. including the petitioner. No doubt that first group (as mentioned in the F.I.R.) received grievous injuries but this nowhere dilutes their role. There is independent witness namely Lakhwinder Singh, to the incident. His car was damaged, mobile and cash were taken away. There was use of sharp edged weapon, the weapons used are yet to be recovered. The reliance upon the M.L.R. to show that same was prior in time needs no comment at this stage as it would affect the investigation and trial. Suffice to say that M.L.R. nowhere proves that injuries were suffered in the fight for which F.I.R. was registered. The specific roles and injuries in such cases where there are group clashes cannot be expected to be attributed in the F.I.R. itself. Thorough probe is needed necessitating custodial interrogation to bring the investigation to its logical conclusion.
- [7] No case is made out for grant of anticipatory bail, the petition is dismissed.

[8] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

25th August, 2021
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |