

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34189 of 2021

Date of Decision:24.8.2021

Babbarsher Singh and others

---Petitioners

versus

State of Punjab

---Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioners
Mr. Saurav Khurana, DAG, Punjab
Mr. Jasvir Singh Dhaliwal, Advocate
for the complainant

HARSIMRAN SINGH SETHI, J. (Oral)

The present petition is the second bail petition filed for grant of anticipatory bail in respect of DDR No. 46 dated 8.7.2021 registered under Sections 324, 323, 34 IPC (Section 326 IPC added later vide DDR No. 027 dated 17.7.2021) at Police Station, Raman, District Bathinda.

Learned counsel for the petitioners argues that the complainant party was actually the aggressive party still the complainants got DDRs registered against the petitioners and therefore, the petitioners are entitled for the grant of anticipatory bail.

Learned counsel appearing on behalf of the State submits that one of the petitioner has inflicted grievous injuries upon the complainant and therefore, the petitioners are not entitled for grant of anticipatory bail as the weapons used are still to be recovered.

Learned counsel appearing on behalf of the complainant submits that petitioners are habitual offenders and they have not given details of all the cases which they are facing and they are trying to mislead this Court.

I have heard the counsel for the parties and have gone through the records with their able assistance.

It may be noticed that petitioners filed first petition being CRM-M-32933 of 2021 seeking grant of anticipatory bail. No details of the FIRs pending against the petitioners were mentioned therein and as the learned counsel appearing on behalf of the complainant pointed out that there are several other FIRs pending against the petitioners for inflicting grievous injuries, the learned counsel for the petitioners withdrew the said petition with liberty to file a fresh one by giving details of all the cases pending against the petitioners.

In the present petition, details of three cases have been mentioned by the petitioners in paragraph 9 of the petition.

Learned counsel for the complainant informed that the petitioners have been summoned in a complaint case on 3.7.2018 by the Sub Divisional Judicial Magistrate, Talwandi Sabo in a case titled 'Chamkaur Singh vs. Jabarjang Singh and others' which has not been disclosed. The said case also involves infliction of grievous injuries at the hands of the petitioners.

The conduct of the petitioners is that they are trying to mislead this Court. Initially, they filed a petition without giving details of the cases pending against them and even in the present petition they have not given

the complete details of all the cases pending against them. This shows the conduct of the petitioners which is not appreciable at all. In case, the petitioners are misleading this Court, the question that the petitioners will join investigation and cooperate in case they are granted benefit of anticipatory bail does not arise.

Incident in question is not being denied and the only assertion is that the petitioners are not aggressive party. Weapons used to inflict injuries are yet to be recovered, keeping in view all the facts and circumstances of this case and also the conduct of the petitioners, no ground is made out to grant the petitioners the benefit of anticipatory bail.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

24.8.2021

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No