

209

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

**CRM-M-29002-2020  
Date of decision-17.08.2021**

**LUCKY KHOKHAR @ DANIS AND ANOTHER      ...Petitioners**

**Vs.**

**STATE OF PUNJAB & OTHERS      ...Respondents**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present:      Mr. Gurpal Singh Sandhu, Advocate for the petitioners.

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

\*\*\*

**MANOJ BAJAJ, J. (ORAL)**

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 054 dated 12.03.2020 under Sections 307, 341, 323, 148 & 149 Indian Penal Code, 1860 registered at Police Station Canal Colony, Bathinda, District Bathinda. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

The FIR was registered on the statement of Harpreet Singh and the allegations as noticed by the learned Additional Sessions Judge, Bathinda in the order dated 23.05.2020 are as under:

*“Perusal of the file reveals that this case was registered on the statement of complainant Harpreet Singh on the allegations that on 10.3.20 At about 6.30 p.m., he alongwith his brother Sukhdeep Singh had gone to see a plot on ring road*

*Behman Wala Chowk and when they were returning and had reached near Chowk Bir Talab that at about 7.15 p.m. Danis and Baja were found standing there. Danis was armed with iron rod of the hand pump and Baja with baseball. They were stopped by the said persons and were asked to hand over the key of the motorcycle and when he refused, 10/12 persons armed with sticks and rods also came there and started beating him and his brother. Danis gave blow with hand pump rod on his head, face, right shoulder, right arm, right leg. Baja gave blow with baseball on the knee of his brother Sukhdeep Singh. Danis gave hand pump rod blow on the head of Sukhdeep Singh who became unconscious. 10/12 persons who were accompanying them also caused several injuries on their person .”*

Learned counsel for the petitioners has argued that the complainant has falsely implicated the petitioners in the present case and the offence under section 307 IPC has been added to make it serious. He submits that as the matter has been compromised between the parties and drew attention of the Court to the compromise deed dated 09.06.2020 (Annexure P-2). According to him, the petitioners have joined the investigation pursuant to the interim order dated 06.10.2020, therefore, the custodial interrogation of the petitioners may not be necessary and prays for anticipatory bail.

On the other hand, the prayer is opposed by learned State counsel, who has argued that the petitioners with intent to kill complainant (Harpreet Singh) have caused simple as well as grievous injuries on his person. The petitioner No.1 was armed with an iron rod of the hand pump and petitioner No.2 was armed with a baseball. Petitioner No.1 gave a blow

with hand pump rod on the forehead, face, right shoulder, right arm, right leg of the complainant, whereas petitioner No.2 gave blow with baseball on the knee of brother of complainant Sukhdeep Singh. MLR of the complainant Harpreet Singh reveals that nearly 9 injuries on his person out of which number of injuries were caused on his face with one injury on his head and MLR of Sukhdeep Singh reveals that two injuries i.e. one on his head and the other on his leg. However, it is not disputed that the petitioners joined the investigation, but according to him, the offences are serious in nature and petitioners do not deserve this concession.

After hearing learned Counsel for the parties and considering the above background, this Court finds that the name of petitioners is specifically mentioned in the FIR, who allegedly caused injuries alongwith other co-accused upon the complainant and his brother Sukhdeep Singh. Keeping in view, the motive and number of injuries caused to the victims, the alleged compromise deed cannot be attached any significance. As per prosecution, the petitioners were armed with weapons and actively participated in the crime.

Resultantly, considering the nature of the offences and the role attributed to the petitioners, but 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.

**17.08.2021**

*Vipin kumar*

**(MANOJ BAJAJ)  
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No