

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35308-2021 (O&M)

Date of Decision: 27.08.2021

Dharambir Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kushagra Mahajan, Advocate for the petitioner.

...

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.73 dated 16.05.2015 under Sections 323/324/295-A/506/148/149 IPC, 1860 and Section 25 Arms Act, 1985 registered at Police Station Gharinda, District Amritsar (Rural). He apprehended his arrest at the hands of Police in the above said FIR.

The FIR was registered on the basis of complaint given by Paramjit Singh and the allegations as noticed by the Addl. Sessions Judge, Amritsar in the order dated 18.09.2017 are as under:

“The FIR in this case was registered at the instance of Paramjit Singh on the averments that at about 12.00 noon on 10.5.2015, he alongwith his nephew Sukhwinder Singh was present in his Haveli situated at Indian Enclave, bye-pass India Gate, Amritsar and was got digging the submersible bore. In the meanwhile, two vehicles i.e. a Safari No.PB-02- 3051 black in colour and a Volkswagen No.PB-02-4113 came there from which Dharambir Singh armed with a sickle and a pistol, Harinder Singh armed with a sickle, Raju alias Katra armed with baseball alongwith 5-6 unidentified persons armed with Kirpans and dangs came out. Dharambir Singh raised a 'talkara' to catch hold him and be taught a lesson. Dharambir Singh gave two sickle blows upon his right

arm and little finger of his right hand. Harinder Singh gave sickle blow upon his left palm. Then Raju alias Katra gave baseball blow upon his left knee. As a result of which he fell down on the ground. Dharambir Singh removed his turban and dragged him on the ground from his hairs. All the above said accused alongwith 5-6 unidentified persons gave him injuries with their respective weapons.”

Learned counsel for the petitioner has argued that though the name of the petitioner figures in the FIR, but his co-accused have been found innocent, therefore, the petitioner also deserves the concession of anticipatory bail.

During the course of hearing, when the learned counsel was confronted with the maintainability of the petition, as the FIR was registered on 16.05.2015 and the petition has been filed before this Court on 24.08.2021, learned counsel has submitted that initially his application for bail was dismissed by the Court of Sessions on 18.09.2017 and thereafter, he was under impression that like his co-accused, the petitioner would also be declared innocent, however, the same was not done by the police, despite assurances, therefore, he again approached the Court of Sessions and his application was dismissed on 15.07.2021.

Further, Mr. Mahajan, learned counsel appearing on behalf of the petitioner does not dispute this fact that the co-accused, who were declared innocent were associated with the investigation, whereas the petitioner never associated himself with the investigation.

After hearing the learned counsel and considering the above background, this Court is of the opinion that the ground and the belief expressed by the petitioner that he was likely to be declared innocent by the police is apparently misconceived as he never associated himself with the police investigation, despite his dismissal of bail on 18.09.2017.

Resultantly, this Court does not find any merit in this petition and the same is dismissed.

27.08.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No