

CRM-M-39766-2021

Date of Decision:28.09.2021.

CHARANPREET SINGH WALIA

...Petitioner

vs.

STATE OF PUNJAB

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Parminder Singh, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C is for grant of pre-arrest bail to the petitioner in case FIR No. 184 dated 31.07.2021 registered under Sections 326, 323, 324, 341, 506, 504, 148 and 149 at Police Station City Phagwara, District Kapurthala.
3. Learned counsel contends that the petitioner is a young man of 22 years besides, the injury attributed to the petitioner although is grievous, yet is only on a non vital part of the body i.e. little finger, therefore, the petitioner is entitled to be released on pre arrest bail since he does not have any criminal antecedents and is ready and willing to join investigation.
4. Notice of motion.
5. Mr. Sukhbeer Singh, Asstt. A.G., Punjab accepts notice on behalf of the State and on instructions from ASI Jaspal Singh vehemently opposes the prayer for grant of anticipatory bail. Learned AAG contends that the petitioner, his father, Rana Walia and Kala Basuta armed with Kirpan, Sorav Rattu, Binni Pandit and Aju Naiyar armed with iron rod, Bobby

Basuta armed with rod, Gagan Singh armed with baseball, Marshal empty handed, had stopped Mannu Sharma and were abusing him in loud voice and in the meantime Sorav Rattu gave blow with his iron rod on the left side of head of Mannu Sharma while the petitioner gave blow with his Kirpan on the left thigh of Mannu Sharma as a result of which he suffered injuries on the left side of his head and on the left thigh and fell down and when the complainant i.e. Ridik Kanojia and Sunny Walia came forward to rescue Mannu Sharma, the petitioner gave two blows with his Kirpan to Ridik Kanojia as a result of which, he received a grievous injury on his little finger besides injury on the adjoining finger of his right hand whereas Sorav Rattu gave injury with iron rod which hit on his left elbow and he fell down and all the accused inflicted injuries with their weapons and gave kick blows on the body and back of Sunny Walia besides threatened to kill them.

Learned AAG contends that the petitioner alongwith co-accused attacked Mannu Sharma and when the complainant and others tried to rescue Mannu Sharma, they inflicted injuries on them also. Learned AAG contends that injury Nos. 1 and 2 to complainant Ridik Kanojia are attributed to the petitioner with sharp edged weapon out of which injury No.1 is grievous while injury No.2 is simple and injury No.3 inflicted on complainant by Sorav Rattu is simple in nature. Likewise five injuries inflicted to Sunny Walia inflicted with blunt weapon were also simple.

6. I have considered the submissions of learned counsel for the parties.

7. Admittedly, injury No.1 on the person of the complainant attracts the offence under Section 326, IPC and the same is stated to have

been inflicted by the petitioner. Kirpan used in the commission of the

offence is to be recovered from the petitioner. In the circumstances, custodial interrogation of the petitioner is required for complete and effective investigation. No extraordinary ground is made out to grant pre-arrest bail to the petitioner.

8. Accordingly, in the light of position noted above, manner of commission of the offence, as well gravity of the offence, no ground is made out for grant of pre-arrest bail to the petitioner.

9. Accordingly, the petition for grant of pre arrest bail is dismissed.

10. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

28.09.2021.
'Rajesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No