

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36304-2020
Reserved on:11.11.2021
Pronounced on:13.12.2021

Ajay Dev @ Ajay Nahar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

ANOOP CHITKARA J.

1. The petitioner, incarcerated upon his arrest in the FIR No.200 dated 08.08.2018 registered under Sections 323, 324, 307, 452, 326, 325, 506, 148 & 149 IPC at Police Station City, Kapurthala, District Kapurthala, came up before this Court under Section 439 CrPC seeking regular bail.

2. A brief narration of allegations relevant in deciding the present petition is that on 08.08.2018, the complainant informed the police station that he had constructed a haveli in his land near police line. He has also made a boundary wall and installed a gate on his property. He further stated that he along with his uncle Malkiat were also rearing buffaloes at that place. On 06.08.2018 at about 4.30 pm when he was present at the said haveli and gate was closed, at that point of time Ajay Nahar (present petitioner), Sam Momi, Prince, all armed with datar and three unknown persons who were armed with datar and baseball, came on motorcycle and jumped the wall of haveli. They proclaimed that they would not spare Gagandeep Singh. After that Ajay Nahar attacked the complainant with his datar and Sam Momi also attacked him on his head with his datar. Due to such attacks by the assailants the complainant fell down and they again gave beatings to him with datar. Subsequently others have also attacked him with their respective weapons. When he raised hue and cry then his uncle came and all the assailants ran away. The complainant further informed that the cause of dispute was that the accused used to go to his mohalla and tease the girls, however the

complainant would object to such acts. Further it was informed that the injured was taken to hospital where his medico legal examination was verified.

3. Learned counsel for the petitioner argued that the petitioner is in custody for sufficient time and statement of the complainant stands recorded. Learned counsel further argued that the genesis of motive for occurrence is false and concocted.

4. Learned State counsel submits that as per the investigation, Ajay Nahar (present petitioner) gave injuries on back side of the head of the complainant and such injury was sharp and grievous to life. He also gave injuries on his leg and left foot. Despite the efforts the accused cannot be arrested and declared proclaimed offender on 27.09.2019. Thereafter the police arrested the accused on 27.01.2020. Based on the custody period undergone, learned State counsel opposed the bail.

5. I have gone through the statement of PW1 and he has reiterated the allegations made by him in the FIR. He specifically stated that the cause of occurrence was that he stopped the accused persons from eve-teasing the girls from his locality. As per the statement, the injured had identified the accused Ajay. Without going into further appreciation of the statement, the petitioner fails to make out a case for bail.

6. Thus, the petition is dismissed. Any observation shall not be construed as an expression of opinion on merits of the case.

(ANOOP CHITKARA)
JUDGE

December 13, 2021

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Whether speaking/reasoned:	Yes
Whether reportable:	No