

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

CRM-M-40699 of 2020
DATE OF DECISION :- January 06, 2021

Labha **...Petitioner**

Versus

State of Punjab **...Respondent**

CRM-M-40988 of 2020

Manga @ Mangal Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Mukesh Singla, Advocate for the petitioner
in CRM-M-40699 of 2020.

Ms. Bandana Dogra, Advocate for the petitioner
in CRM-M-40988 of 2020.

Mr. J.S. Ghumman, DAG, Punjab.

Mr. Vipin Mahajan, Advocate for the complainant.

The case has been taken up through Video Conferencing.

My this order shall dispose of two petitions for grant of
anticipatory bail bearing CRM-M-40699 of 2020 filed by Labha and CRM-
M-40988 of 2020 filed by Manga @ Mangal Singh, both of them accused in

F.I.R. No. 138 dated 8.10.2020 for offences under Sections 324, 323, 148, 149 of the Indian Penal Code and Section 326, 307 IPC added later on registered with Police station Bhaini Mian Khan, District, Gurdaspur.

As far as accused Labha is concerned though the role attributed to him is that he had given Dang blow to the complainant hitting him on right shoulder. The injury is simple in nature but as per affidavit filed by Deputy Superintendent of Police, Rural, District Gurdaspur, he is involved in four more criminal cases having details as under :-

i) F.I.R. No. 40 dated 27.6.2018 under Sections 452/323/324 IPC registered with Police station Bhaini Mian Khan, District Gurdaspur (Quashed on 17.11.2018).

ii) F.I.R. No. 51 dated 4.9.2018 under Sections 326/324/323/148/149 IPC registered with Police station Bhaini Mian Khan, District Gurdaspur (Pending trial Court).

iii) F.I.R. No. 58 dated 27.7.2019 under Sections 61/1/14 Ex. Act registered with Police station Bhaini Mian Khan, District Gurdaspur (Pending trial Court).

iv) F.I.R. No. 13 dated 28.2.2020 under Sections 61/1/14 Ex. Act registered with Police station Bhaini Mian Khan, District Gurdaspur (Pending trial Court).

Learned counsel for the complainant has contended that in addition to these four cases the petitioner is involved in three more cases having details as under :-

i) F.I.R. No. 9 dated 19.1.2020 under Sections 61/1/14

Ex. Act registered with Police station Kahnuwan.

ii) F.I.R. No. 48 dated 4.5.2020 under Sections 61/1/14 Ex. Act registered with Police station B.M. Khan.

iii) F.I.R. No. 138 dated 8.10.2020 under Sections 307/326/324/323/120-B IPC registered with Police station B.M. Khan.

Under such circumstances, the petitioner accused Labha comes out to be habitual criminal, therefore, he is not entitled to the discretionary equitable relief of pre arrest bail and his custodial interrogation is found to be necessary to effect the recovery of weapon used in the incident and to unfold the complete story, therefore, petition CRM-M-40699 of 2020 filed by him stands dismissed. However, with regard to petitioner Manga @ Mangal Singh, who is a teenager and as informed by the State counsel on instructions from ASI Jagdish Singh, he does not have any past criminal record, no injury is attributed to him and as per prosecution story he had raised lalkara only. In that way no recovery is to be effected from him, and he can be granted concession of pre-arrest bail. Therefore, petition No. CRM-M-40988 of 2020 qua him is accepted. In event of his arrest Petitioner Manga @ Mangal Singh shall be released on bail subject to his furnishing surety bonds to the satisfaction of Investigating Officer/Arresting Officer on the following conditions :-

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.
- (iv) He shall join investigation as and when called by the Investigating Officer and shall surrender his Passport

before the Investigating Officer and if he is not having
Passport then shall file an affidavit in that regard.

In case the petitioner violates any term and condition on
which the bail has been granted to him, the prosecution would be entitled to
apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

January 06, 2021
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No