

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47883-2021
Date of Decision: 07.12.2021

Pankaj Mattu

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajay Kaushik, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of regular bail in case FIR No.130 dated 13.07.2020, under Sections 307, 323, 324, 326, 379, 452, 201, 148 and 149 of the IPC, 1860 registered at Police Station Division No.3, Jalandhar.

Briefly, the case has been registered on the basis of the statement made to the police by Abhishek @ Gandhi alleging that on 13.07.2020 at about 6:00 PM, 7-8 persons armed with weapons forcibly entered into the house and inflicted injuries upon him and his father, namely, Neeraj Kumar. Jatin Mattu, armed with Datar, Pankaj armed with Datar, Kaku armed with Khanda, Shivam London armed with Khanda, Nitin armed with Punch and Shiv Nahar armed with Khanda along with 1-2 unidentified persons had inflicted injury upon the complainant and his father. Petitioner-Pankaj had inflicted datar blow on the right hand of the father of the complainant. Kaku inflicted kirpan (sword) blow on the left side of the head of the complainant, Shivam London gave khanda blow on

the left arm and backside of the complainant, Shiv Nahar inflicted Datar Khanda blow on the left arm of the complainant and Nitin inflicted injury by means of punch on the forehead and body of the complainant. An alarm was raised and the assailants slipped away and they took a sum of Rs.20,000/- of the complainant.

It has been contended by learned counsel for the petitioner that he is in custody for the last more than 1 year and co-accused has been granted bail. The investigation of the case is complete, challan has been presented and conclusion of trial is likely to take some time.

In pursuance of the advance notice, Ms. Ruchika Sabherwal, AAG Punjab has put in appearance and has stated that the injury which resulted in substantially chopping of the hand of the injured has been attributed to the petitioner.

The petitioner was armed with Datar and had inflicted Datar blow on the right hand of the father of the complainant which resulted in substantial chopping of his hand. Though Shiv Nahar @ Chandan, co-accused has been granted bail by this Court but the case of the petitioner cannot be termed to be at par with him, particularly because the injury under Section 307 or 326 of IPC had not been attributed to him. Even in the order granting bail to Shiv Nahar @ Chandan, it was observed that the father of the complainant was under discomfort and undergoing treatment. The petitioner has played active role in the commission of crime and injury attributed to him resulted in substantial chopping of forelimb by means of sharp-edged weapon and it has further resulted in substantial reduction in functioning of limb.

Keeping in view the gravity of allegations, nature of injury attributed to the petitioner and consequence of such injury, no ground is made out to extend the concession of bail to the petitioner.

Dismissed.

(VIVEK PURI)
JUDGE

07.12.2021
Janki

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