

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

104

CRM-M-49538-2021

Date of Decision : November 30, 2021

JAGROOP SINGH ALIAS VICKY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. J.S.Lalli, Advocate for the petitioner.

JASGURPREET SINGH PURI. J.

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.168 dated 20.8.2021 under Sections 326 IPC (added later on), 323, 341, 506, 148, 149 IPC registered at Police Station, Tibba, District Ludhiana.

As per the FIR which was lodged on the basis of statement of one Neetu by stating that she has two children one boy and one girl and her husband is working in a Factory. On 11.8.2021 at about 8/8.30 PM, she received a call from her husband that Vicky son of Mehnga Ram (petitioner) was abusing him and a report has to be filed against him. Thereafter when she came to the street then Vicky, his mother Rani and his father Mehnga Ram and his nephews, namely, Daler and Aman were abusing her and her family in a loud voice and when she stopped them from abusing then Vicky picked up a brick from the street and hit on her face and she fell down on the street. Thereafter the parents of Vicky and both his nephews also hit her with bricks due to which she suffered internal injuries. Thereafter, her husband also came at the spot and they also caused him internal injuries and ran away from the spot by threatening to kill them. They also caused injuries to her husband while he was on the way. The reason for the enmity was that she was in talking terms with the petitioner and regarding this many times compromise had taken place and now the petitioner had started blackmailing her and used

to show her earlier photographs and to play recording in her neighbourhood and still used to say that if she does not agree then he will kill her.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and even as per the FIR the allegation against the petitioner was that he had picked up a brick and hit the complainant on left jaw of her face and the injury was not grievous in nature and, therefore, the petitioner may be granted the benefit of anticipatory bail. He further submitted that the FIR was registered under Sections 323, 341, 506, 148 and 149 IPC and Section 326 IPC has been added later on and has also submitted that the other co-accused, namely, Raj Rani and Daler Singh have been granted interim protection by this Court and, therefore, the petitioner be also granted anticipatory bail.

On the other hand, Mr. Arun Kaundal, learned Deputy Advocate General, Punjab has submitted that the case of the petitioner was not at parity with the other co-accused in view of the fact that the main role and specific injury are attributable to the petitioner, who had thrown a brick on the face of the complainant which hit her jaw and broke her teeth also and thereafter injury No.2 has been declared as grievous. He submitted that initially even prior to the adding of Section 326 IPC, the petitioner did not join the investigation and he did not furnish any bail bonds and, therefore, has prayed for the dismissal of the present anticipatory bail petition.

I have heard the learned counsels for the parties.

So far as the plea raised by the learned counsel for the petitioner with regard to the parity with the other co-accused, the same is not sustainable in view of the fact that even as per the FIR itself, the petitioner is the main accused who has been attributed with specific injury caused on the face of the complainant who is a lady and according to the learned State counsel the injury was declared as grievous and even the teeth were also broken. A perusal of the FIR would further show that

the complainant has given a reason of the enmity which resulted in the present incident. She has stated in the FIR that she was in talking terms with the petitioner and regarding this, compromise had taken place many times but now the petitioner started blackmailing her and used to show her earlier photographs and used to play recording in her neighbourhood and threatened to kill her in case she did not agree with him. Therefore, this Court is of the opinion that the allegations against the petitioner are not only specific but also serious in nature and the petitioner cannot be termed to be at parity with the other co-accused, who have been granted interim protection by this Court.

In view of the aforesaid position, this Court finds no merit in the present petition and the same is, hereby, dismissed.

(JASGURPREET SINGH PURI)
JUDGE

November 30, 2021

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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No