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

**CRM-M-3681-2022
Date of Decision: 01.08.2022**

Boota Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-3954-2022

Mani Ram

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Pooja Arora, Advocate for
Mr. S.S. Duhan, Advocate,
for the petitioner (in both cases).

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. K.B.S. Mann, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

Both the petitions have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsel for the petitioners, since both the petitions arise out of the same FIR bearing FIR No.214 dated 29.12.2021, under Sections 324, 341, 323 & 34 of the IPC (Section 326 of the IPC added later on), registered at Police Station Kotbhai, District Shri Muktsar Sahib.

CRM-M-3681-2022 was filed by the petitioner-Bootia Singh and CRM-M-3954-2022 was filed by the petitioner-Mani Ram and in both the cases, the petitioners were granted interim bail by this Court vide orders dated 31.01.2022 and 01.02.2022 respectively.

As per the allegations contained in the FIR, the complainant, namely, Jaspal Singh lodged the FIR by stating that when he was going to his house after completing his work then Mani Ram (Petitioner), Arjun Singh and Bootia Singh (Petitioner), were standing there, who encircled him and started abusing him, thereafter, he stopped them from doing so but then Arjun Singh gave a blow of his Kirpan upon him, which hit him on the back side of his right shoulder, thereafter, the petitioner-Mani Ram gave a kappa blow on him which hit him on the lower side of his right ear and thereafter, the petitioner-Bootia Singh also gave a blow from his kirch upon him which hit below of his right flank, thereafter, the petitioner-Mani Ram again gave one more blow with his kappa which hit on his right ear. In the meantime, one person Balbir Singh son of Pritam Singh, who is the son of the uncle of the complainant, came at the spot and on seeing him, the accused persons ran away and Balbir Singh witnessed this incident.

Learned counsel for both the petitioners have submitted that in pursuance of the orders passed by this Court, the petitioners have joined the investigation and they have also fully cooperated with the investigation process, therefore, the interim protection granted to them may be made absolute.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, has referred to the replies filed by the State in both

the cases and has submitted that it is a case, which involves multiple number of simple and grievous injuries and that is why Section 326 IPC was added. He referred to Para No.3 of Sub-Para 5, wherein it has been stated that the witness of the case, namely, Balbir Singh, whose name was also mentioned in the FIR that he was the witness, had made an application to the SSP, Sri Muktsar Sahib by alleging threats from petitioners and during the enquiry conducted by the Deputy Superintendent of Police, it was found that the allegations were true and thereafter, opinion from the D.A.(Legal), Sri Muktsar Sahib was also obtained and therefore, offences under Sections 506 & 507 IPC were also added in the FIR vide DDR No.60 dated 16.07.2022. The relevant para which is similar in both the affidavits is reproduced as under:

(v). It is submitted that the witness of the case Balbir Singh son of Pritam Singh made an application (No.70-PC4/22 dated 19.01.2022) to the S.S.P., Sri Muktsar Sahib levelling allegations of threat against the accused, requested for taking action against them. During the enquiry conducted by the deponent, the allegations were proved. The enquiry report was approved by the S.S.P., Sri Muktsar Sahib after obtaining the opinion of the D.A. (Legal), Sri Muktsar Sahib. Accordingly, the offences u/s 506, 507 IPC were added in the FIR in question vide DDR No.60 dated 16.07.2022.”

Learned DAG, Punjab has stated that both the petitioners have misused the interim bail granted by this Court, although they have joined the investigation but they have threatened the important witness of the present case, namely, Balbir Singh and consequently, offences under Sections 506 & 507 IPC were added by way of a DDR and considering the conduct of the

petitioners, they are not entitled for the grant of anticipatory bail. He further submitted that the third accused, namely, Arjun Singh is already in police custody and these two petitioners are threatening the eye-witness.

Mr. K.B.S. Mann, Advocate has caused appearance on behalf of the complainant and has stated that the witness of the present case was threatened by the petitioners and therefore, the petitioners do not deserve the concession of anticipatory bail.

I have heard the learned counsel for the parties.

Petitioner-Boota Singh (in CRM-M-3681-2022) was granted interim bail by this Court vide order dated 31.01.2022 and Petitioner-Mani Ram (in CRM-M-3954-2022) was granted interim bail by this Court vide order dated 01.02.2022. Although as per the stand taken by the learned State counsel that both the petitioners have joined the investigation but at the same time, he has also filed an affidavit in both the cases whereby it has been categorically stated that both the petitioners have threatened the witness, namely, Balbir Singh and an application was also moved by him dated 19.01.2022, whereby an enquiry was conducted by the police and the allegations were found to be correct and thereafter, offences under Sections 506 & 507 IPC were added.

In view of the aforesaid position, this Court is of the view that both the petitioners have misused the concession of interim bail granted to them and therefore, they are not entitled for the grant of anticipatory bail. Consequently, both the petitions are hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the

purpose of decision of present petition.

01.08.2022
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |