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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14968-2022 (O&M)
Date of Decision:31.05.2022

Ram Lal and others

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Avtar Singh Bhatti, Advocate for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioners have approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.32 dated 04.03.2022 registered under Sections 452, 323, 295, 427, 148 and 149 IPC (Sections 307 and 325 IPC added later on) at Police Station Dinanagar, District Gurdaspur, who apprehend their arrest at the hands of Police.

On 08.04.2022, this Court had passed the following order:

“Learned counsel contends that the complainant and accused persons are already litigating in civil court in relation to a dispute relating to the street and as per allegations in the FIR, 19 persons entered the house of the complainant and caused injuries upon four persons. He submits that the petitioners Kanta Devi @ Kanta and Manpreet @ Kajal though were stated to be armed with bricks, but had not caused any grievous injury to any of the injured. According to him, it is not expected that the ladies would open an attack when they are accompanied by various males and the rest of the female accused have already been extended the concession of bail. According to him, the injuries attributed to petitioners Ranbir Bains @ Rajan were found to be simple, whereas accused Vijay Kumar @ Basa is similarly situated like Kanta

Devi @ Kanta.

Notice of motion for 13.05.2022.

Meanwhile, the petitioners, except Ramlal and Suresh Kumar@ Happy shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C. At this stage, Mr. Vipin Mahajan, Advocate appears on behalf of complainant.”

Learned counsel for the petitioners has submitted that petitioner

Nos.1 and 2 (Ram Lal and Suresh Kumar @ Happy) have not been attributed any injury inviting the offence punishable under Section 307 IPC, therefore, they be also granted the concession of pre arrest bail.

The prayer is opposed by learned counsel for the complainant, namely, Vipin Mahajan, who has argued that petitioner No.1 Ram Lal was armed with dang and caused injury on the head of Jasbir Chand, whereas Suresh Kumar @ Happy was armed with a knife and caused injury on the left back side of head of complainant Surinder Singh and both injured suffered fracture of skull. He submits that these petitioners being relatives of other assailants had led the attack and entered the house of the complainant and caused serious injuries to all of them including his old aged mother.

Learned State counsel assisted by ASI Yusuf Masih has also opposed the prayer on the ground that the case of the petitioners Ram Lal and Suresh Kumar @ Happy is distinguishable from other co-accused and they do not deserve this extra ordinary concession. However, in respect of the other petitioners, he states that they have joined the investigation and are not required for custodial interrogation for the time being.

After hearing the learned counsel for the parties and considering the above background, this Court finds that as per prosecution,

were armed with weapons and specific injuries have been attributed to them. Thus, they do not stand at parity with the other co-accused, who have been extended the concession of pre arrest bail.

Consequently, without meaning any expression of opinion on the merits of the case, this Court is not inclined to extend the concession of pre arrest bail to petitioner Nos.1 and 2 and qua them the petition is dismissed. However, in view of the stand of learned State counsel that remaining petitioners have joined the investigation and are not required for custodial interrogation, the interim bail granted by this Court vide order dated 08.04.2022 is made absolute.

31.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No