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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16716-2022 (O&M)
Date of Decision:12.05.2022

Makhan Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.254 dated 16.10.2021 registered under Sections 307, 452, 325, 148, 149 and 506 IPC at Police Station Moti Nagar, District Ludhiana, who apprehends his arrest at the hands of Police.

The FIR was registered on the statement of Golu and the allegations as noticed by the Id. Addl. Sessions Judge, Ludhiana in the order dated 18.01.2022 are as under:

“Brief facts of the prosecution case are that one Golu got recorded his statement that on 14.10.2021 at 2.30 am he was lying in his room, then Lakhan, Sekhar, Makhan (applicant-accused), Preeto, Jyoti, Pooja Deepu, Kavita and Laljeet forcibly entered into his house with deadly weapons. Lakhan hit with his kirpan in the head. Makhan also hit with his kirpan on the head. Ladies accompanying them instigated all of them that complainant should be brought on road and he should be killed. Then all these persons forcibly took him to the road near Kali Mata Mandir. Then Deepu hit with iron rod and Shekhar hit with iron rod on the left leg. Then he fell down. When he was lying down, Makhan, Lakhan, Shekhar, Laljit, Deepu caused injuries with their weapons. Ladies related to

the applicant gave leg blows and instigated other persons to cause injuries. Injured was taken to hospital, from where he was referred to PGI and then he was referred to Government hospital, Sector 32. Then injured was brought back but when his condition was deteriorated, he was again admitted in Mohan Dai Hospital. Police registered the case under Section 307, 325, 148, 149 and 506 IPC.”

Learned counsel for the petitioner has argued that as per allegations, the petitioner was armed with a sharp edged weapon, but as per the MLR (Annexure P-1), no incised wound was suffered by injured Golu, therefore, the alleged injuries do not show the involvement of the petitioner in the alleged crime. He has further argued that the complainant has falsely implicated the petitioner as well as his family members including the ladies and the truthfulness of the stand of complainant becomes doubtful because as per the medical report, he left the hospital on 15.10.2021 and absconded. In this regard, he has invited the attention of the Court to the medico legal case summary dated 03.12.2021 (Annexure P-2). He has argued that the petitioner is ready and willing to join the investigation, therefore, he be released on pre arrest bail.

Learned State counsel assisted by HC Malkit Singh has opposed the prayer, who has argued that the petitioner along with his brother entered the house of the complainant and inflicted multiple injuries to the injured including fractures and the petitioner is involved in other cases of similar nature as well. He, on instructions further states that five more cases are pending against the petitioner.

At this stage, learned counsel for the petitioner has argued that in other cases, the petitioner has already been released on bail and reiterates his prayer for pre arrest bail.

After hearing the learned counsel for the parties and

considering the above background, this Court finds that in the FIR, petitioner's name is specifically mentioned, who was armed with sword and as per the complainant, he caused injury on his head. Apart from it, his accomplices, who were also armed with weapons inflicted injuries upon the complainant. Thus, considering the seriousness of the offence, this Court does not find it to be a fit case for extending the extraordinary concession of pre arrest bail to the petitioner, as his custodial interrogation appears to be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is dismissed.

12.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No