

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

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**Date of decision: 05.05.2022
CRM-M-18720-2022**

MANDEEP SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

2. CRM-M-18778-2022

JASPREET SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sukhwinder Singh Kamboj, Advocate
for the petitioner(s).

Mr. Beant Singh Seemar, Advocate
for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

The petitioners have approached this Court by invoking jurisdiction under Section 438 Cr.P.C. read with Section 482 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail in case FIR No. 232 dated 19.06.2021 under Sections 458, 427, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Sohana, District SAS Nagar, Mohali.

2. Learned counsel appearing on behalf of the petitioner(s) *inter alia* argued that the present FIR has been falsely registered against

the petitioners whereas the petitioner Mandeep Singh was not present at the place of occurrence and in so far as the submission with respect to the petitioner Jaspreet Singh is concerned it was alleged that he has been falsely implicated for the reason that Gurdhian Singh, father of the petitioner-Jaspreet Singh has got registered a cross case for offences under Sections 323, 294, 506, 148, 149 and 307 of the IPC against the husband of the husband of the complainant and others on 19.06.2021.

3. Learned counsel appearing on behalf of the petitioners has also places reliance on an inquiry report forwarded by SP City, District SAS, Nagar, Mohali to contend that as per the said inquiry, it is stated that Jaspreet Singh was seeing going up to the stairs of the house of the complainant Karambir Singh holding a device like torch in his hand.

4. It is also pointed out that in the said inquiry report sent by the Superintendent of Police, City, District SAS Nagar vide memo No. 142/5S/SP City, SAS Nagar dated 13.10.2021, the petitioner Mandeep Singh is stated to be not present at the spot and is not named.

5. Learned counsel appearing on behalf of the petitioners contends that the other co-accused of the petitioners have already been granted concession of interim bail by this Court. He also argues that the initiation of the proceedings is an abuse of the process of law and that the petitioners have been falsely implicated for executing the work of construction of footpath and village Phirni on which the complainant had encroached. He contends that aggrieved of the removal of the encroachment, the petitioners were rather attacked by the complainant. He contends that petitioners are victims in the said incident and are not aggressives.

6. In so far as the submission in the case of Jaspreet Singh is concerned, a reference has been made to the statement of Karamjit Singh as recorded by the Senior Superintendent of Police, Rural and sent to Senior Superintendent of Police, District S.A.S. Nagar on 19.04.2022 that in his statement Karamjit Singh has stated he had left for Chandigarh at about 7: 20 p.m. for his personal work and that he had watched the incident on his mobile when the petitioners forcibly entered into the house at about 9:00 p.m. He contends that the said statement is incorrect inasmuch as the CCTV footage shows the presence of Karamjit Singh at the spot. He thus submits that the true genesis of the occurrence is being concealed by the petitioners.

7. I have considered the submissions raised by the counsel for the petitioners.

8. A reliance has been placed on the report submitted by the Superintendent of Police, City to the Senior Superintendent of Police, District S.A.S. Nagar, Mohali dated 13.10.2021 whereas the said inquiry conducted by the Senior Superintendent of Police, Rural did not translate into any finality and the case was investigated by the Senior Officer i.e. Senior Superintendent of Police, Rural. In the said report furnished by the Senior Superintendent of Police, Rural to Senior Superintendent of Police, S.A.S. Nagar, Mohali, which was concluded as under:

“Besides on 18.06.2021, at the time of fight Jaspreet Singh S/o Gurdhian Singh with his other companions, when he was entering illegally in the house of Karamjit Singh and abusing verbally then at the time Mandeep Singh @ Nannu s/o late Roshan Singh is being seen

entereing in the house of Karamjit Singh. Who wore yellow turban and he is being seen entering by opening/braking the gate. He by entering the house of Karamjit Singh has smashed the car/motorcycle/scooter parked inside the house and is being seen getting fall the motorcycle on the ground and he has been identified by the resident of village Dhurali and have got recorded their common statement, therefore in the case the involvement of Mandeep Singh @ Nannu s/o late Roshan Singh is found. But he was not nominated in the case. Therefore, due to involvement of Mandeep Singh is required to nominated in the case.

As per inquiry/investigation till date involvement of Gurdhian Singh s/o Ronak Singh and his son Jaspreet singh resident of Dhurali has found in the case. And their identification has been done by the resident of village Dhurali after watching the CCTV footage. In this video Jaspreet Singh S/o Gurdhian Singh is entering in the house of Karamjit Singh by holding a thing like weapon in his hand. And Gurdhian Singh is being seen raising lalkara outside the house of Karamjit Singh at 11:30 P.M. This fight has been found on the abetment of Gurdhian Singh. Therefore, Gurdhian Singh and his son Jaspreet Singh due to their involvement cannot be said innocent.

9. It is evident that petitioners have been identified by the residents of the village to have caused damage to the property of the complainant and who have entered into the house of the complainant. Further, the presence of the CCTV footage is not disputed by the counsel for the petitioners wherein active participation and forcibly entry of the petitioners into the premises of the complainant is noticed. There was no reason why the petitioners along with other persons, duly armed, forcibly entered into the house of the complainant at late hours

of the night instead taking recourse to the process of law, if they had any grievance. The tendency to settle the scores through personal means and by show of strength leads to the sternly dealt with.

10. I find no merit in the present cases. The same are accordingly dismissed.

**(VINOD S. BHARDWAJ)
JUDGE**

MAY 05, 2022
Vishal sharma

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