

106
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24875-2022
Date of Decision:01.06.2022

Ramesh Kumar @ Tinka

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.S.Pathania, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.6 dated 23.01.2022 under Sections 323, 342, 506, 148, 149 of IPC (Section 365 IPC added later on), registered at Police Station Nangal, District Rupnagar.

As per the allegations contained in the FIR which was lodged on the basis of the statement made by the complainant namely Surjit Ram, aged 70 years that in the morning when he went to his bara which is a place to keep animals for giving fodder to his buffalows, when it was about 8.15 A.M one of the son of Sarpanch namely Kala came to him and started talking and then Tinka (Petitioner) and three others sons of Sarpanch also came there who dragged him in their car and took him to their house and gave severe beatings. The petitioner namley Tinka gave reverse datar blow

on his head which hit on the right side of his head and rest of them gave stick and fist blow. Thereafter, the petitioner Tinka gave another attack near his forehead which hit his left eye and blood started oozing out and he raised alarm. Thereafter, they also poured alcohol upon him so that he would be shown that he was drunk and thereafter upon hearing his voice, his younger brother came on the spot who saved him and admitted him in the hospital.

The learned counsel for the petitioner has submitted that earlier the offences under which the FIR was lodged were under Sections 323, 342, 506, 148, 149 IPC only and it was thereafter that Section 365 IPC was added but earlier also the petitioner did not furnish any bail and bonds. He further submitted that the petitioner was falsely implicated in the present case and the injuries were simple in nature and, therefore, he may be considered for the grant of anticipatory bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has stated that he has received an advance copy of the present petition and he has also sought instructions from the concerned I.O. He further submitted that in fact the complainant who is an old man of the age of 70 years was called by the son of the Sarpanch and thereafter as per the allegations, the other three sons of the Sarpanch also came and had given blows on the head as well as on the other parts of the body which resulted in 10 injuries on the complainant. He further submitted that they dragged the complainant and took him to another place and that was the reason as to why Section 365 IPC was added and has submitted that in view of the gravity of offence, the petitioner is not entitled for the grant of anticipatory bail. He further submitted that the petitioner is

involved in two more cases i.e. FIR No.209 of 2020 under Section 450, 323 and 324 IPC, Police Station Nangal and FIR No. 18 of 2020, under Sections 341, 323, 506 and 294 IPC and the petitioner has actively concealed these two FIRs from this Court. He further submitted that the motive is yet to be ascertained which can be done by way of custodial interrogation only and the weapons used in the offence are yet to be recovered from the petitioner and, therefore, has opposed the grant of anticipatory bail.

I have heard the learned counsel for the parties.

As per the allegations, the complainant who is an old man of 70 years was beaten up by four persons and as per the learned State counsel, there were 10 injuries on the head and other parts of the body and as per the allegations, the old man was dragged in their car and he was taken to the house of the accused persons where severe beatings were given to him. Direct and specific allegations have been attributable to the petitioner in the FIR. The arguments raised by the learned State counsel that for the purpose of recovery of weapons and ascertaining the motive, the custodial interrogation of the petitioner is required does carry weight. Apart from the same, the petitioner is also involved in two more FIRs of similar nature and the description of the same has been given by the Deputy Advocate General, Punjab as above. A perusal of the present petition filed by the petitioner would show that in para No.9 of the petition the petitioner has specifically stated that the petitioner is neither involved in any other case of similar nature nor the petitioner has been declared as proclaimed offender in any case of similar nature or in the present case. The present petition is also supported by the affidavit of the petitioner. Therefore, this Court is of the view that the petitioner has actively concealed material facts with regard to

his antecedents from this Court.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

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

01.06.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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