

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

CRM-M-30165-2020 (O&M)

(1) Amit Kumar @ Bhichi ... Petitioner

Versus

State of Punjab ... Respondent

(2) CRM-M-1180-2021 (O&M)

Kanish Kumar @ Love ...Petitioner

Versus

State of Punjab ...Respondent

(3) CRM-M-27541-2021 (O&M)

Money Singh @ Mani Singh @ Maney @ Mattu ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 14.2.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amardeep Singh, Advocate for the petitioner
in CRM-M-30165-2020.

Mr. Kunal Vinayak, Advocate for the petitioner
in CRM-M-1180-2021.

Mr. Vikas Gupta, Advocate for the petitioner
in CRM-M-27541-2021.

Mr. M.S. Dullat, Addl. A.G. Punjab.

Mr. Kanwar Pahul Singh, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned three petitions filed on behalf of Amit Kumar @ Bhichi, Kanish Kumar @ Love and Money Singh @ Mani Singh @ Maney @ Mattu seeking grant of regular bail in a case registered vide FIR No. 241 dated 27.5.2020 under Sections 307, 450, 452, 506, 148, 149, 323, 324, 326 IPC at Police Station Islamabad, District Amritsar.
2. The FIR was lodged at the instance of Rishi Sharma wherein it is alleged that on 26.5.2020 at about 7 p.m., when he was present in his house alongwith his friend Karan Devra, then 6-7 boys out of whom he recognized some as Love resident of Santa Ram Saran, Love son of Ashok Kumar resident of Damganj, Mani Mattu resident of Wadda Haripura, Aarv Sharma, Rahul, Keshav Patial and Amit Sharma who were all carrying sharp edged weapons, *datars* etc. Another 2-3 unidentified boys were standing outside his house. It is alleged that all the aforesaid 7 persons had entered into the house while raising *lalkaras*. Kanish Kumar @ Love inflicted a blow with *datar* on complainant's head, which hit him in the middle of his head. Amit Sharma @ Bhichi is stated to have given a blow with *datar* aiming the same towards complainant's head but he warded off the same by raising his right arm as a result of which he sustained injury on his right elbow. Mani Mattu gave a blow with *datar* hitting abdomen of the complainant. When the complainant's friend Karan Devra came forward to rescue him, Amit Sharma @ Bhichi attempted to give a blow with *datar* on his head but Karan Devra bent down as a result of which he sustained an injury on his neck. The complainant and Karan Devra ran out of house while raising alarm.

3. The learned counsel for the petitioners have submitted that they have falsely been implicated in the present case and that in any case since the petitioners have been behind bars for a substantial period of more than 1 year, they deserve the concession of bail.
4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that since all the three petitioners are specifically named in the FIR and are attributed specific injuries, no case for grant of bail is made out. The learned counsel for the complainant has referred to the MLR of the complainant indicating that he had sustained as many as 11 injuries which read as follows :-

Sr.No.	Injuries
1	An incised wound of 6 x 1.2 cm placed obliquely on the top of the head and the right end of wound is 10 cm away from the top of right ear with active bleeding present.
2	A reddish color linear abrasion placed vertically on the anterior aspect of trunk which is at 5 o clock position from right nipple.
3	An incised wound of 3 x 1 cm placed obliquely on lateral and back of right forearm which is at 2 o clock position from right elbow joint with diffuse swelling present with active bleeding present.
4	An incised wound of 4.1 x 1 cm placed obliquely on the lateral and front aspect of right arm 11 cm below right shoulder joint with active bleeding present.
5	An incised wound of 2.5 cm x 1 cm placed horizontally on the posterior aspect of trunk which is 1 cm below the top of right shoulder joint.
6	A reddish color linear curved abrasion placed on back and lateral aspect of left arm which is 10 cm above left elbow joint with diffuse swelling present.
7	An incised wound of 3 x 1 cm placed vertically on the outer aspect of dorsum of right hand which is 1.5 cm below knuckle of right

	thumb with diffuse swelling.
8	A reddish color linear abrasion varying 2 to 3 in number of 5 cm x 1.5 cm placed on the top of right shoulder joint.
9	An incised wound of 3 cm x 1 cm placed obliquely on the back of left elbow joint with diffuse swelling and active bleeding present
10	A reddish abrasion of 9 cm x 2 cm is placed obliquely on the posterior aspect of trunk which is 6 cm below left lower border of scapula.
11	A reddish linear abrasion of 7 cm x 1 cm placed obliquely on the right and posterior aspect of trunk 14 cm below left shoulder joint.

5. It has further been informed that the petitioner Amit Sharma who had been granted interim bail by this Court on the very first date when the matter was taken up for hearing in this Court on 5.10.2020 has been indulging in criminal activities again and infact has been booked for another murder case (FIR under Section 302 IPC). The learned State counsel has informed that the petitioner Kanish Kumar @ Love stands involved in six other FIRs and has been behind bars since the last 1 year and 8 months. Mani Mattu is stated to be behind bars since the last 1 year and 2 months. It has been informed that evidence is yet to be recorded in this case.
6. I have considered rival submissions addressed before this Court.
7. It is a case where the accused are specifically named in the FIR and there are specific allegations which stand duly substantiated from the MLR of the complainant – injured which reveals that he had sustained as many as 11 injuries including 6 incised wounds. One of the incised wound is on head also. Still further, the petitioner Amit Sharma @ Bhichi, after having been granted bail stands involved in a case registered under Section 302 IPC. The petitioner Kanish Kumar @ Love stands involved in six other FIRs. In these

circumstances, this Court is of the opinion that it will not be safe to release the petitioners on bail as they have criminal tendencies. The eye-witnesses are yet to be examined and there is every likelihood that they would try to intimidate the eye-witnesses. All the three petitions, as such, are dismissed.

8. The petitioner Amit Sharma @ Bhichi who had earlier been granted bail is ordered to be taken into custody immediately. A copy of this order be sent to the Chief Judicial Magistrate/trial Court for doing the needful.
9. A photocopy of this order be placed on the file of connected cases.

14.2.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No