

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

	(i)	CRM-M-32087-2022
Vishal alias Vishal Jassal		 Petitioner

	Versus	
State of Punjab		 Respondent

	(ii)	CRM-M-32395-2022
Mohit Kumar @ Mohit Jogi		 Petitioner

	Versus	
State of Punjab		 Respondent

Date of Decision : 06.09.2022

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ritesh Pandey, Advocate
for the petitioner in CRM-M-32087-2022.

Mr. Gursimran Singh Madaan, Advocate
for the petitioner in CRM-M-32395-2022.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab
for the respondent-State.

PANKAJ JAIN , J(ORAL)

This order shall dispose of CRM-M-32087-2022, filed by petitioner Vishal alias Vishal Jassal and CRM-M-32395-2022, filed by petitioner Mohit Kumar alias Mohit Jogi, under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in case FIR No.0017 dated 14.05.2022, registered under Sections 324, 323, 379-B, 427, 148, 149 IPC (offence under Section 326, 307 IPC added lateron), at Police Station Nangal Bhoor, District Pathankot.

Petitioner in CRM-M-32087-2022 was granted interim protection by this Court vide order dated 26.07.2022 as it was contended that at the time of occurrence, the petitioner was not present and he was by the bed-side of his father, who was admitted in the hospital and the

said fact can be ascertained from the CCTV footage of Civil Hospital, Pathankot.

Reply has been filed by the State wherein the stand of the State is as under:-

“That with regard to the CCTV footage at Civil Hospital, Pathankot, an application was sent to the Hospital to get the CCTV footage for 13.05.2022 from 9pm-11pm. Senior Medical Officer, Pathankot in his reply stated that the CCTV recordings at the Hospital are not available for more than 7 days. A true translated copy of the application and the reply of Senior Medical Officer, Pathankot is being placed on record as Annexure R/5.”

Learned counsel for petitioner Vishal alias Vishal Jassal in CRM-M-32087-2022 refers to Annexure R-5 wherein the bank authorities have communicated to the Investigating Agency that the CCTV installed outside the bank is mainly focussed on the Branch Gate and at night the footage from road-side is blur and submits that it was the duty of the Investigating Agency to procure the CCTV footage which can substantiate the plea which was raised by the counsel on 26.07.2022. However, he is not in a position to dispute the fact that as per the allegations levelled in the FIR, petitioner Vishal alias Vishal Jassal has been attributed the *datar* blow on the body of Sahil which is stated to have hit his left eye brow and another blow which hit victim Sahil on his chin, left lip and in his abdomen.

Learned counsel for petitioner Mohit Kumar @ Mohit Jogi in CRM-M-32395-2022 submits that only simple injury has been attributed to petitioner Mohit Kumar @ Mohit Jogi, though he is not in a position to deny the fact that those injuries are stated to have been

caused with '*datar*' blow only. Learned counsel further submits that infact it is a case of version and cross-version and subsequent to the filing of the present FIR, the Magistrate has ordered the registration of FIR against the complainant party as well.

Learned State counsel submits that petitioner Mohit Kumar @ Mohit Jogi is already facing two FIRs cases wherein the allegations of similar nature have been levelled against him.

So far as petitioner Vishal alias Vishal Jassal is concerned, learned State counsel submits that the injury attributed to him has been opined to be dangerous to life.

I have heard learned counsel for the parties and have gone through the records of the cases.

This Court is of the considered opinion that so far as the plea raised by Vishal is concerned that is the plea of alibi which cannot be adjudicated upon at this stage while adjudicating the plea of pre-arrest bail. So far as petitioner Mohit Kumar @ Mohit Jogi is concerned, to constitute offence under Section 307 IPC, it is necessarily not required that the injury should be caused on the vital organ only.

Keeping in view the seriousness of the offence and the allegations levelled against the petitioners, no ground is made out to grant the benefit of pre-arrest bail to the petitioners.

Consequently, both the aforesaid petitions stand dismissed.

06.09.2022
mamta

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No