

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

103

CRM-M-40699-2022

Date of Decision : **September 07, 2022**

AGAMPAL SINGH @ AGAM

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. D.S.Pheruman, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present is a second petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.145 dated 19.6.2022 under Sections 307, 452, 324, 323, 427, 148 and 149 of IPC, registered at Police Station City Gurdaspur, District Gurdaspur.

The learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and infact otherwise also as per the FIR the only role attributed to the petitioner was giving of a *datar* blow on the backside of the injured and has submitted that the petitioner is 19 years of age and is a student and his career will be affected in case the petitioner is not granted the concession of anticipatory bail.

On the other hand, Mr. Amit Rana, Sr. Deputy A.G., Punjab has stated on instructions from ASI Amrik Singh who is also present in the Court that it is a case where the complainant was working in a

Restaurant at Randhawa Colony and on 17.6.2022 one Sahib Deep Singh came with a minor girl and asked for tea but it was objected by the complainant since they did not permit minor girls with boys at the Restaurant. Thereafter, they went back by stating something in unclear terms. Thereafter, after some time a group of 8-10 persons came to the Restaurant holding weapons in their hands including the petitioner and they collectively attacked the complainant and consequently he suffered five injuries. He submitted that there is specific role attributable to the present petitioner that he has given *datar* blow on the backside of the complainant and infact it is not a case that the fight took place at the spur of moment but it is a case where it was a premeditated attack by forming a gang and attacking the complainant who suffered injuries. He further submitted that the mere fact that the petitioner is a student and is of 19 years cannot entitle him for the grant of anticipatory bail when he was part of an unlawful assembly who had collectively attacked the complainant.

I have heard the learned counsels for the parties.

As per the FIR, the petitioner alongwith other co-accused had formed a gang of about 8 to 10 persons and as per the allegations came to the Restaurant of the complainant and attacked him and consequently he had suffered about 5 injuries as per the medical report. The argument raised by the learned counsel for the petitioner that the petitioner is 19 years old and is a student and his career will be affected cannot be of any benefit to the petitioner in view of the serious allegations levelled against him. The matter is still at the investigation

stage and as per the learned State counsel, the recovery of weapons etc. is also to be made. Therefore, considering the seriousness, facts of the case and the magnitude involved, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

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

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

September 07, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No