

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

105

CRM-M-41772-2022(O&M)
Date of Decision : September 13, 2022

YADBIR SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Manish Prabhaker, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.72 dated 12.5.2022 under Sections 323, 336, 506, 380, 452, 427, 148, 149 of IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Majitha, Police District Amritsar Rural.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case since he was not even present at the time of the incident and the whole neighbourhood had assembled there and it was only because of personal enmity that the petitioner has been falsely implicated in the present case.

He further submitted that although the petitioner is involved in 3 more cases which he has stated so in para No.17 of the present petition but the petitioner is on bail on the aforesaid cases.

Mr. Amit Rana, Sr. Deputy A.G., Punjab has stated that he has received an advance copy of the present petition and he has sought instructions in the present case. He submitted that it is a case where the allegations are that on 7.5.2022 at 10.40 p.m., 10 to 12 unidentified persons came to the house of the complainant with their faces covered but

among them two persons have been identified through their names and voice which was one Sandeep son of Mukha and Yadbir who is the petitioner in the present case. Allegedly these persons entered the house by jumping the wall of the house and after entering the house they gave beatings with baseball and other weapons and when the complainant got grievous injury on his head and he fainted, they stole his motor cycle, cooler, fan and cash Rs.15,000/- and gold jewellery (tika, ring) of his daughter-in-law. Thereafter, on raising of the alarm by the family members, the neighbour gathered and these persons fired twice in the air and thereafter, fled away. One of the shells of the bullet was given to Hawaldar Charanjit Singh and after this incident while he went out to report the matter then near Gallowal Colony, the accused persons made indiscriminate firing and thereafter the complainant and his family members saved their lives with great difficulty.

The learned State counsel further submitted that it is a case where the petitioner has been specifically named in the FIR alongwith the other co-accused and specific role has been attributable to the petitioner. Apart from the same, one empty cartridge was also recovered from the spot and is also specific plea made by the complainant that the accused persons had fired in the air twice. He submitted that the seriousness and gravity of the present case would disentitle the petitioner for the grant of anticipatory bail particularly in view of the fact that the petitioner was part of the unlawful assembly and a gang was formed by 10 to 12 people who had collectively attacked the house of the complainant and caused injuries on the head of the complainant whereby he fainted and various articles were stolen from the house. He further submitted that the petitioner is also involved in 3 more cases out of which 2 cases are under the Arms Act and the description of the same has been given in para No.17 of the present petition and has, therefore, vehemently opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsels for the parties.

As per the allegations contained in the FIR, specific role has

been attributed to the petitioner and allegedly a gang of 10 to 12 people had collectively attacked in the house of the complainant and allegedly caused injuries on the head of the complainant and thereafter various articles were stolen from the house of the complainant. The petitioner is also involved in 3 more cases out of which 2 pertains to Arms Act. Therefore, this Court is of the view that considering the gravity and the magnitude of the case and especially the fact that one empty cartridge was also recovered from the spot as per the learned State counsel, the petitioner does not deserve the concession of anticipatory bail.

Consequently, the present petition is devoid of any merit and 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.

(JASGURPREET SINGH PURI)
JUDGE

September 13, 2022

ajay-1

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