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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48684-2021 (O&M)
Date of Decision:22.02.2022

Mani Reen @ Lawrance

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.106 dated 05.06.2021 registered under Sections 307, 326, 325, 324, 323, 451, 506, 148 and 149 IPC, 1860 at Police Station Tibba, Ludhiana, who apprehends his arrest at the hands of Police.

The FIR was registered at the instance of ASI Madan Lal and the allegations as noticed by the Id. Addl. Session Judge, Ludhiana in the order dated 28.10.2021 are as under:

“The present case has been registered at the instance of ASI Madan Lal that on 4.6.2021 he alongwith other police officials were present at near Shagun Palace, Ludhiana. There he received a tip off that the group of Subham Arora, Rishav etc and other group of Puneet Bains, who are lodged in Jails used to attack on the members of their groups in a conspiracy due to old revenge. On 3.6.2021 at about 11.30 PM Paras, Raja Bajaj, Bharat, Harash Vardhan, Mani (applicant) alongwith 15/18 unidentified persons of group of Shubham, armed with deadly weapons like Swords, Rods etc while in their respective vehicles came in the Street No.2-1/2, Mohalla New Hargobind Nagar, Ludhiana and attacked on the members of Puneet group and damaged the vehicles lying in

the street and created a terror. On the basis of this statement offences under sections 307,148,149,427,506,120-B IPC were made out and accordingly FIR was registered.”

Learned counsel for the petitioner has argued that in the alleged occurrence, the complainant has implicated various accused persons including the petitioner, but neither there is any specific allegation against him for causing any injury to any of the injured nor any weapon is shown to have been carried by him. He submits that the injury inviting the offence punishable under Section 307 IPC is not attributed to the petitioner, therefore, his custodial interrogation may not be necessary, as the petitioner is ready to join the investigation. He prays for pre arrest bail.

The prayer is opposed by learned State counsel assisted by ASI Baldev Raj, who has referred to the reply filed by way of an affidavit of Surinder Pal, PPS, Assistant Commissioner of Police (East), Ludhiana and has argued that the petitioner is involved in various other cases and the details are mentioned in para 5 of the reply. He has further argued that the petitioner participated in the crime, wherein injuries were caused to the victims, namely, Akash Soni (twenty four injuries), Kamal Kumar (eighteen injuries) and Swaranjit Singh (five injuries). According to him, the custodial interrogation of the petitioner is required and prays for dismissal of this petition.

After hearing the learned counsel for the parites and considering the above background, this Court does not find any merit in the argument raised by learned counsel that neither the petitioner has been attributed any role nor any weapon is shown to have been carried by him, as he is specifically named in the FIR being member of the unlawful assembly.

As per prosecution, he participated in the crime and considering the number

of injuries suffered by the victims, the specific attribution relating to the offence of attempt to murder is not necessary. The custodial interrogation of the petitioner appears to be necessary, therefore, without expressing any expression of opinion on the merits of this case, the petition is dismissed.

22.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No