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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44344-2022 (O&M)

Date of Decision:23.09.2022

Amit and another

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rajat Malhotra, Advocate, for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

CRM-36402-2022

For the reasons mentioned in the application, the same is allowed subject to all just exceptions.

Main case

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioners in FIR No.0068 dated 25.03.2022, under Sections 307, 427, 452, 506, 148, 149 of IPC, registered at Police Station Haibowal Kalan, District Police Commissionerate, Ludhiana.

As per the allegations contained in the FIR which was lodged on the basis of the statement made by the complainant namely Manjit Kumar son of Nathu Ram that he works as a driver and work of sewerage in the streets of Mohalla was going on. On 23.03.2022 the work of installing

interlock tiles in the street was going and a Haudi for the discharge of water was being constructed in the street. Two boys namely, Amit and Aman (Petitioners) residing in front of them were not allowing to construct the said Haudi, whereupon the brothers of the complainant told that Houdi is necessary for the discharge of water but both the aforesaid persons argued with his brothers and quarreled with them and thereafter, the Mohalla people intervened but the aforesaid two persons who are the petitioners in the present case were having grudge in this regard. Thereafter on 24.03.2022 at about 7.15 P.M. when the brothers, nephew and Bhabhi of the complainant were present in the house and were watching TV, then they heard the noise of crying from the ground floor of house and when they suddenly came out from the room, then both the aforesaid two persons namely, Amit and Aman (Petitioners), Mani and his two sons namely, Rahul and Lali and his wife Nisha, Raja and Rohit nephew of Bhola who were residing in the backside street alongwith more 10-12 unknown persons who according to the complainant can be identified by him were armed with baseball, Kirpan, Datar, Toka and rods and were badly beating his brothers, nephew and Bhabhi. Mani gave blow of his Kirpan on the head of his brother Baljeet and they have badly beaten both his brothers, nephew and Bhabhi with Kirpan, Toka and Rods due to which serious injuries were inflicted on the legs, arms and other parts of the body. Thereafter, the accused persons entered into the house and also damaged the household articles and caused injuries to his family and when noise was raised by the complainant from the terrace of the house, then on looking the gathering of the people, the accused persons ran away from the spot alongwith their respective weapons and also gave threats to eliminate them. Thereafter, the

injured were taken to the DMC Hospital, Ludhiana.

Learned counsel for the petitioners has submitted that the present two petitioners although named in the FIR who were having grudge with the complainant and his family due to some installation of interlock tiles but they were not even present on the spot and the petitioner Amit was present in the house of his sister which can be seen at the time of investigation. He further submitted that since both the petitioners were not present on the spot, they may be considered for the grant of anticipatory bail. He further submitted there is no specific injury attributable to the present petitioners even in the FIR itself and the petitioners are not involved in any other case and therefore, they may be considered for the grant of anticipatory bail.

On the other hand, Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab has stated that he has received an advance copy of the present petition and has also sought instructions from the concerned police official who is also present in the Court. He submitted that it is a case where a gang of about 15 people including the present two petitioners collectively attacked the injured who were a part of one family due to dispute regarding installation of interlock tiles in the street. He submitted that the argument raised by the learned counsel for the petitioners that the petitioners were not present on the spot is false and another argument raised by the learned counsel for the petitioners that no specific injury was attributable to the present petitioners is also false in view of the fact that the petitioners alongwith the other co-accused who were about 15 in number collectively attacked the injured persons and consequently, the injured Baljeet Singh suffered 7 injuries, injured Asha suffered 5 injuries and

fracture at 2 places and injured Lalit Kumar suffered 5 injuries out of which one injury was on the head and there was one fracture as well. Another injured namely Vasu also received 7 injuries out of which 2 injuries were on his head. He has therefore opposed the grant of anticipatory bail to the petitioners on the ground that considering the gravity of the case where a number of persons have received injuries on the vital parts of their body, the petitioners do not deserve the concession of anticipatory bail.

I have heard the learned counsel for the parties.

As per the allegations contained in the FIR and as per the arguments raised by learned Senior Deputy Advocate General, Punjab, a group of about 15 people collectively attacked the injured and large number of injuries were caused on 4 persons which included injuries on the head and fractures as well. The argument raised by the learned counsel for the petitioners that the petitioners were not present on the spot is prima facie not sustainable since it is a specific case of the State that both the petitioners were present on the spot and on their insistence, the injuries were caused by them as well as by the other co-accused. Apart from the same, a perusal of the FIR would show that the entire grudge was against the present two petitioners and due to which the fight had taken place which resulted in the causing of injuries. During the course arguments, the learned counsel for the State has also stated that the custodial interrogation of the petitioners was required especially because the weapons used are also to be recovered from them and the other co-accused and out of the total accused only 3 accused have been apprehended till date. The argument raised by learned State counsel does carry weight and cannot be ignored.

Therefore, considering the gravity and magnitude of the

allegations in the present case against the petitioners, the petitioners do not deserve the concession of anticipatory bail.

Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

23.09.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No