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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50612-2021 (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.133 dated 04.06.2021 registered under Sections 336, 148, 149, 120-B and 188 IPC, 1860 and Sections 25 and 27 Arms Act (Section 307 IPC added later on) at Police Station Moti Nagar, Ludhiana, who apprehends his arrest at the hands of Police.

The above FIR was registered on the basis of secret information, which reads as under:-

“.....on 04.06.2021 at about 12:25 a.m. At night, in front of GHM Factory, Ambedkar Nagar, near Mandir Wali Gali, Industrial Area-A, Ludhiana, members of Shubham Mehta Group Rishav, Karan Walia, Raja Bajaj, Visuket, Mani Lawrance, Harsh Vardhan and members of Puneet Bains Group Vishal and 10-15 other unknown persons, who last night came on motorcycle, activa and bullet motorcycle made gathering of people in connivance gave fire in air against each other party and caused threats to the lives of the people and did hooliganism and created an atmosphere of terror in the streets and mohallas and nearby areas and even now if one goes to the place of incidence and the spot is inspected, then from the spot some evidence can be collected and they have also violated the rules of lockdown being night time. The

information is reliable and trustworthy. The above accused members of Shubham Mota, Rishav, Karan Walia etc. and members of second group of Puneet Bains and Vishal and 10-15 other unknown persons (out of which first group member Shubham Mota and Rishav and second group member Puneet Bains are lodged in jail) and boys of both the groups in connivance with each other, having grudge against each other, did an offence under Sections 336, 148, 149, 120-B and 188 IPC and 25-27-54-59 Arms Act. The ruqa against above Shubham Mota and Rishav group members Karan Walia etc. and second group members Puneet Bains, Vishal and 10-15 unknown other persons was prepared by myself...”

Learned counsel for the petitioner has argued that the above FIR was registered on the basis of a secret information and the petitioner and others have been falsely implicated. According to him, in the said occurrence, no one was injured and though the Court of Sessions had extended the concession of pre arrest bail to the petitioner vide order dated 29.10.2021, but the petitioner could not join the investigation, as he is involved in other cases. He submits that his application for pre arrest bail was dismissed finally vide order dated 23.11.2021 (Annexure P-3). Learned counsel prays for grant of anticipatory bail to the petitioner.

The prayer is opposed by the learned State counsel assisted by SI Rishpal, who has argued that the petitioner is a member of gang, which is operative in the area. He has argued that in another case bearing 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, the petitioner along with his other co-accused caused multiple injuries to Akash Soni (twenty four injuries), Kamal Kumar (eighteen injuries) and Swaranjit Singh (five injuries), who were brutally beaten. He submits that considering the nature of the offence, the custodial interrogation of the petitioner is necessary.

After hearing the learned counsel for the parties and

considering the above background, this Court is of the opinion that the pre arrest bail filed by the petitioner in case FIR No.106 dated 05.06.2021 has already been dismissed today and as per prosecution, in the present case also, they have been terrorizing the residents of the area by resorting to hooliganism and admittedly, pursuant to the directions dated 29.10.2021, given by the Court of Sessions, the petitioner failed to join the investigation. The stand of the petitioner that he is involved in other cases, therefore, he is unable to join the investigation, is not sufficient explanation. Further, considering the allegations in the FIR, and nature of offence, this Court without meaning any expression of opinion of the merits of the case, does not find it to be a fit case for his release on anticipatory bail, as his custodial interrogation seems to be necessary.

Petition is dismissed.

22.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No