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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54351-2022 (O&M)
Date of Decision: 20.12.2022

Sachin Vaid

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S. Bedi, Advocate, for the petitioner.

Mr. Amit Rana, Sr., DAG,, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 125 dated 15.06.2021, under Sections 295-A, 323 and 34 IPC, registered at Police Station Basti Bawa Khel, District Jalandhar.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and he was not even present at the spot when the alleged incident took place and there is no evidence against the petitioner. He submitted that the petitioner and his family members are animal lovers and usually give food to hungry animals and stray dogs but the same was not liked by the complainant due to which a fight had taken place. He submitted that the incident was

captured in the CCTV Footage and no offence is made out against the petitioner.

The present FIR came to be lodged on the basis of a complaint made by one Jatinder Singh by alleging that a co-accused namely Bandhu Vaid and his sons namely, Rahul and Sachin (Petitioner) and their father Janak Raj had quarreled with them on account of dogs. Firstly, aforesaid Bandhu Vaid and his aforesaid relatives caught hold of him (complainant) and started beating him and also gave beatings to his father by removing his turban. They also gave beatings to his mother and when his brother came forward to save them, then they attacked with sharp edged weapons. They also insulted the hairs (identity of a Sikh) by pulling the beard of his brother. They did not even stop their acts and thereafter aforesaid Bandhu Vaid and his family members used defamatory words against Sikh religion and pushed the outside gate of his house and also challenged the small children by entering into house and also tried to attack them and the same has been captured in a video and the residents of the Mohalla are also witnesses.

Learned Senior Deputy Advocate General, Punjab has submitted that it is a case where the petitioner had earlier filed an application for grant of anticipatory bail before the learned Additional Sessions Judge, Jalandhar and vide Annexure P-5 dated 22.09.2021, he was granted interim anticipatory bail and was directed to join the investigation on or before 25.09.2021. However, the petitioner failed to join the investigation and consequently, vide order dated 30.09.2021 (Annexure A-1) the learned Additional Sessions Judge, Jalandhar dismissed the

anticipatory bail application and interim relief granted was withdrawn on the ground that it was a conceded position that the petitioner did not join the investigation but made a request for one more adjournment as he could not come from Bangalore. Thereafter, the petitioner filed second anticipatory bail application before the learned Additional Sessions Judge, Jalandhar which has now been dismissed on 10.11.2022 and the learned Additional Sessions Judge also noted the aforesaid factual position that the petitioner did not join the investigation despite the fact that he was granted interim anticipatory bail earlier. Learned Senior Deputy Advocate General, Punjab further submitted that it is a case where the petitioner alongwith his family members not only caused injuries to the complainant and his family members but also insulted the hairs of the brother of the complainant and also spoke defamatory words against the Sikh religion and also challenged the small children by entering into the house regarding which a video has been made and even the local residents are the witnesses to the above. He submitted that there is no justification for the petitioner to have not joined the investigation despite interim bail granted by the learned Additional Sessions Judge and the reason given by the petitioner that he was to come back from Bangalore is also not supported by any evidence or any document that he was not present in Jalandhar at the time when interim bail was granted to him nor the petitioner has attached any document in the present petition as well to show his bona fide in this regard. He further submitted that allegations are grave and serious wherein petitioner and other co-accused caused injureis by targeting the complainant and his family on the basis of their religion and therefore for more qualitative

investigation and for elicitation of truth, his custodial interrogation was required.

I have heard the learned counsel for the parties.

The petitioner in the present case had earlier applied for anticipatory bail before the learned Additional Sessions Judge Jalandhar who had granted interim bail to him on 22.09.2021. When the matter came up for hearing on 30.09.2021, the same was dismissed by the learned Additional Sessions Judge as the petitioner did not join the investigation despite the fact that direction was issued to him to join the investigation earlier on 22.09.2021. A perusal of para No.6 of the petition would show that the petitioner has stated that after the incident the petitioner failed to join the investigation because he is a student of B.Tech. and at that time when the interim anticipatory bail was granted to him, he was on internship in a company in Bangalore. However, the aforesaid averment made in the petition is not supported by any kind of document or any material to show that the petitioner was not present at the time when the interim bail was granted to him or that he was in Bangalore. Neither any document pertaining to his internship nor any other travel document as to when he had gone to Bangalore or when he had come back has been attached in the present petition nor the same appears to have been produced before the learned Additional Sessions Judge. It was because of non-joining of the petitioner in the investigation process despite directions being issued to him while granting interim bail to him that his anticipatory bail has been dismissed. Still even in the present petition no such document has been attached to show that he was in Bangalore and could not join the investigation.

Therefore, it appears that there is a lack of bona fide on the part of the petitioner. Apart from the above, the submissions made by learned State counsel that in view of gravity and seriousness of offence whereby beatings and injuries were caused by targeting the complainant and his family on the basis of religion would require custodial interrogation does carry weight and cannot be ignored.

Therefore, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

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.

20.12.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No