

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12947 of 2022 (O&M)
Date of decision: 26th May, 2023

Ankit Jamba

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gulzar Mohammad, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

Mr. Jaswinder S. Rana, Advocate for
Mr. Sandeep Arora, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.32 dated 24.04.2021 under Sections 307, 341, 323, 324, 148, 149, 506 IPC registered at Police Station Division No.4, District Jalandhar.

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the case in hand as there was a history of rivalry between him and the complainant party. It has also been submitted that a video, which forms the genesis of the FIR in question, has not been produced by the prosecution. Learned counsel has still further submitted that in fact it was the complainant party, which was the aggressor, as it was a matter of record that co-accused Rahul Dogra

had sustained grievous injuries at the hands of the complainant party. In support, learned counsel has drawn the attention of this Court to Annexure P-7 in connected case bearing CRM-M No.24849 of 2022, which is a DDR recorded by co-accused Rahul Dogra against the complainant.

3. Learned counsel prays that since the petitioner has now been in custody since 08.01.2022 and only 3 out of the 21 prosecution witnesses stand examined, the trial therefore, would take considerable time to conclude. Learned counsel thus, urges that in the circumstances, further incarceration of the petitioner would serve no useful purpose.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner had inflicted an injury on the hand of the complainant as well as caused injuries on the head of injured Ajay Kumar along with the co-accused with Datar, which he was carrying at the time of occurrence in question. Learned State counsel has submitted that the injuries inflicted on the head of the complainant were opined to be grievous and dangerous to life. Learned State counsel has further submitted that all the prosecution witnesses, who stand examined, had fully supported the case of the prosecution. Learned State counsel while praying for the dismissal of the instant petition, has further contended that since the petitioner is man of criminal antecedents, which clearly finds reflected in his custody certificate which has been placed on record in the Court today, he be not extended the concession of bail, as there is every

likelihood that he could abscond or even try to influence the remaining prosecution witnesses to depose in his favour.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. A perusal of the FIR in question, which has been annexed as Annexure P-1, prima facie reveals that the petitioner was an active participant in the occurrence in question and had inflicted grievous injuries on the person of the complainant with a Datar, which he was carrying at the time of occurrence. The petitioner admittedly is involved in as many as seven other criminal cases. 18 prosecution witnesses still remain to be examined, and therefore, the possibility of the petitioner trying to tamper with evidence or even trying to abscond cannot be ruled out.

7. In the circumstances, the petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 26, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No