

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14896-2023 (O&M)
Reserved on: 13.04.2023
Pronounced on: 25.04.2023

Bhulla Singh

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. K.S. Dadwal, Advocate and
Mr. Naresh Kumar, Advocate for the petitioner(s).

Mr. Virat Rana, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
29	27.2.2023	Haryana, Hoshiarpur	307, 427 IPC

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner’s counsel argued that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State’s counsel opposes the bail.

REASONING:

5. Case of the prosecution/complainant is that the petitioner was waiting for the complainant to come out of his house with ulterior motive. The moment the complainant opened the gate of his house and came out on his bike, the petitioner, who was waiting at a visible distance, sped up his car and intentionally tried to crush the complainant who was on his bike. CCTV footage of the incident clearly shows the intention of the petitioner to crush the complainant to death. Counsel for the State also states that the video of incident clearly points out towards the petitioner

intentionally trying to crush the complainant with a view to kill him. Counsel for the petitioner could not dispute the fact that the said CCTV footage is doctored or fabricated. On the face of it, it was a brutal attempt by the petitioner to kill the victim and it was by sheer luck, the complainant was saved. Thus, the petitioner does not deserve any leniency and is not entitled for bail. His custodial interrogation is necessary to find out the persons behind such motive.

6. The allegations are serious and offence heinous. The evidence collected so far points out that the petitioner brutally and mercilessly assaulted the victim. Given the nature of injuries and preparations made for such assault, it does not entitle the petitioner to bail at this stage.

7. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

8. In Jai Prakash Singh v. State of Bihar and another (2012) 4 SCC 379, Hon’ble Supreme Court holds,

[19]. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. [See D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434, State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213 and Union of India v. Padam Narain Aggarwal (2008) 13 SCC 305].

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed in aforesaid terms. All interim orders granting bail stand vacated.
All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

April 25, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No