

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15269-2023 (O&M)
Reserved on: 13.04.2023
Pronounced on: 11.05.2023

Karan Kumar @ Kuchi
... Petitioner(s)
Versus
State of Punjab
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Lovepreet Handa, Advocate
for the petitioner(s).
Mr. Virat Rana, AAG, Punjab.
Mr. G.S. Jagpal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
4	9.1.2022	Shimlapuri, Ludhiana, District Ludhiana	307, 324, 326, 384, 511, 506, 148, 149 IPC

1. The petitioner apprehending arrest in the FIR captioned above, on the allegations of acting in concert with his accomplices and causing injuries, which *prima facie* would make out a case for attempt to murder and snatching Rs.50,000/-, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 16 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. The contention of behalf of the complainant is that petitioner and his accomplices do not deserve any bail.

REASONING:

5. The complaint's allegations are being extracted from the translated version of FIR, and read as under:

“Statement of Savithri wife of late Shri Vinod Kumar, resident of H.NO 7222, ST No.6 Mohalla Gobind Nagar, New Shimlapuri Ludhiana, aged about 46 years, Mobile Number 9915225273, made a statement to the effect that I am resident of the aforementioned Address and do the household work. I have two 2 childrenMy one son Ajay Kumar aged about 23 years works at Apollo hospital in the x-ray department. My son Ajay Kumar told me that Rahul Kumar alias Rahul Vevada S/O Ashok Kumar resident of ST.NO 2, Mandir Wali Gali, Gill colony, Sundar Nagar, Ludhiana, Jeenda, Kuchi, Raja Topi, along with 3-4 unknown persons tried to extort 50,000 rupees from him. On 24-12-21 like everyday my son had gone to his duty at Apollo Hospital and when I came outside my house on the street and saw, Rahul Kumar alias Rahul S/O Ashok Kumar resident of ST.NO 2, Mandir Wali Gali, Gill colony, Sundar Nagar, Ludhiana, Jeenda, Kuchi, Raja Topi, along with 3-4 unknown persons were standing at the corner of the street and holding data kircha and other weapons with preparation to fight with someone, whom I knew earlier. These aforementioned persons are in the habit of snatching and extorting money in the area and their gang leader is Rahul Kumar S/O Ashok Kumar resident of ST.NO 2, Mandir Wali Gali, Gill colony, Sundar Nagar, Ludhiana. They attack by giving deadly beatings and injure with weapons those who do not fulfill their illegal demand and then the time was 10:45 PM, my son Ajay Kumar was coming back from Apollo Hospital after finishing his duty and then my son reached near the cut of the street then Rahul Kumar alias Vevda declared that Rahul Kumar shouldn't be left alive as he didn't pay the 50,000 rupees of extortion money, he must be taught a lesson and they were having weapons Rahul Kumar Alias Vevada, along with his companions, with their respective weapons gave 2 blows on the left side of face of my son and on back of my son's head, on the wrist of right arm and on left arm and gave injuries. And then I shouted killed - killed and thereafter people started to gather. Rahul Kumar alias Rahul Vevada, Jeenda, Kuchi, Raja Topi, along with 3-4 unknown boys ran away while giving threats for the life of my son along with their weapons. I went near my son who had his broken jaw and his body had cuts from Sharp edged weapons whom we admitted to Apollo Hospital Ludhiana after arranging the vehicle. Where my son was treated from the date 24-12-21 to the morning of 29-12-21, my son was operated on because of his broken Jaw and therefore cannot speak. Whose care I'm doing at my home and I cannot leave him alone at home due to many injuries. Today after leaving my relatives to look after my son I was going to the police station to record my statement and you met at Arora cut so I have recorded my statement which is correctThe reason for the occurrence was the denial of my son Ajay Kumar to pay illegally demand of extortion money of Rs.50,000 to Rahul Kumar @ Rahul Vevda who gave beatings. Legal actions be taken against Rahul Kumar alias Rahul Vevada, Jeenda, Kuchi, Raja Topi.”

6. The petitioner is stated to be a member of the extortionist gang and the State seeks custodial interrogation to find out their Godfather and patrons. 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

May 11, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No