

(214)

2023:PHHC:107445

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28934 of 2023

Date of Decision: August 18, 2023

Babbu Singh alias Manjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kuldip Singh, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 438 Cr.P.C., petitioner has prayed for grant of anticipatory bail in case FIR No.12 dated 08.03.2023 registered under Sections 452, 323, 324, 506, 148, 149 IPC (Section 326 IPC added later on) at Police Station Khui Khera, District Fazilka.

2. As per allegations, on 07.03.2023, at about 10:00 PM, petitioner along with other co-accused entered the house of the complainant by scaling the wall and caused as many as 17 injuries to complainant and her family members.

3. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated on the ground that he is known by the name of Babbu Singh though petitioner has no concern with the said Babbu Singh. It is further contended that petitioner is not named in the FIR and that there is a delay of one day in lodging the FIR.

4. Learned State Counsel has pointed out towards the status report containing investigation details which reveal that petitioner actively participated in the occurrence, while being armed with bamboo stick and assaulted the complainant and her family members being member of the unlawful assembly. Though it is stated that no injury is attributed to the petitioner but it is submitted that petitioner actively participated in the commission of the crime with co-accused by entering the house of the complainant by scaling the wall in the night time due to which even Section 458 IPC has been added after deleting Section 452 IPC.

5. Learned State Counsel further submits that on verification from the chowkidar of the village, it was found that petitioner is known by the name of Babbu Singh, Beeru Singh as well as Manjit Singh and these three names are of one and the same person. Beeru Singh is specifically named in the FIR to be one of the intruders.

6. It will not be out of place to mention that petitioner was given opportunity to file a counter affidavit as to whether he was also known by the name of Babbu Singh or not. Despite opportunity, petitioner did not file any such affidavit.

7. Having regard to the afore-said facts and circumstances and the fact that the petitioner actively participated in the crime and intruded in the house of the complainant in the night time along with other members of the unlawful assembly who caused injuries to the complainant and her other family members, but without commenting anything on the merits of the

case, this Court finds this to be not a fit case so as to grant anticipatory bail.

8. Dismissed.

August 18, 2023

(DEEPAK GUPTA)

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JUDGE

Whether reasoned/speaking:

Whether reportable:

Yes/No

Yes/No