

CRM-M-41563-2023

-1-

207

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

CRM-M-41563-2023

Date of Decision: 11.09.2023

Tarun Rana

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dixit Raj Kapoor, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.166, dated 22.05.2022 under Sections 148, 149, 323, 324, 341, 427, 506, 307, 201, 326 IPC, registered at Police Station Dera Bassi, District Mohali.

2. Notice of motion was issued on 23.08.2023 and learned State counsel had prayed for some time to seek instructions.

3. As per the allegations contained in the FIR which was lodged on 22.05.2022, at the instance of one Paramjit Kaur by stating that she is a homely lady and on 16.05.2022 at about 9:30 PM, when she was present at her home, then one of the co-accused, namely, Tusar accompanied by 15-20 unidentified persons came outside her house and they were armed with

CRM-M-41563-2023

-2-

swords and were raising *lalkara*. They caused damage to the electricity meter of the house, motorcycle and glass of their tempo. They even threatened to kill the complainant and her son and thereafter ran away.

4. Thereafter on 21.05.2022, at around 8:30 PM, when she was present at home with her son, namely, Rahul Kumar, aged 20 years, who was playing game on his phone, at that time 20-25 persons came to their house from the side of Dhera Basti and some of them had covered their faces with a cloth and some faces were not covered. Those persons were armed with swords and *gandasi* and attacked the son of the complainant. Thereafter, when the noise was raised then the son of the complainant tried to run away but the aforesaid persons rounded him up and inflicted injuries with swords. Thereafter, Ashu Rana gave sword blows on him, Ankush and Rahul gave blows of sword at the right arm of her son. Thereafter, injured Rahul Kumar fell down, then Tusar gave blow of his sword to her son while he was lying down and other persons also gave blows at his back. Thereafter, the son of the complainant started bleeding and upon hearing noise, some passerby and neighbourers gathered at the spot and by looking at the gathering, Tusar, Anshu Rana, Abhi Rana @ Guli, Ankush, Bikram Nepali, Tarun @ Jhoti (Petitioner), Nandu, Bali, Ravi, Karan and other 10-15 unidentified persons ran away from the spot with their respective weapons. Thereafter, another son of the complainant, namely, Surinder Kumar, @ Tinki came on the spot. The complainant arranged for a vehicle and got her son admitted in Civil Hospital, Dera Bassi. However, her son was referred to Government Medical College & Hospital, Sector-32, Chandigarh, and thereafter, he was referred to PGIMER Chandigarh. The

CRM-M-41563-2023

-3-

son of the complainant remained in unconscious state of mind due to causing of the injuries. Action against abovesaid persons including the petitioner and unidentified persons was sought in the FIR.

5. Learned counsel for the petitioner submitted that there is no specific role attributable to the petitioner even in the FIR although he was named in the FIR to be present at the spot and he is not a habitual offender, therefore, may be considered for the grant of anticipatory bail. He further submitted that some of the other co-accused, who were arrested, have already been granted regular bail and one person, namely, Jaspal Singh has been granted anticipatory bail by this Court.

6. On the other hand, Mr. Ramdeep Partap Singh, Senior Deputy Advocate General, Punjab on instructions submitted that it is a case where a gang of around 20-25 persons came in the house of the complainant on 16.05.2022 and threatened the complainant and her son that they will be killed and it was after 5 days again they came to their house forming an unlawful assembly and were carrying swords and sticks and mercilessly beaten up the son of the complainant and caused 8 injuries on the son of the complainant out of which 7 were declared as grievous. He also submitted that even as per the FIR, the petitioner's name finds mentioned in it. He further submitted that the occurrence had taken place on 21.05.2022 and it is almost 1 year and 3 months that the petitioner is on run and even warrants of arrest have been issued by the learned Magistrate to arrest him, although proclamation proceedings have not been initiated. It is submitted that in view of the aforesaid gravity of the offence involved and the role of the petitioner, the custodial interrogation of the petitioner is required not only

CRM-M-41563-2023

-4-

for the purpose of recovery of weapon from him but also for the purpose of elicitation of truth pertaining to the offence which has been committed by large number of persons upon one person who has been severely injured.

7. I have heard learned counsels for the parties.

8. As per the allegations, around 20-25 persons collectively after forming unlawful assembly and carrying swords and sticks had caused injuries to one person, namely, Rahul Kumar, who was in his house along with his mother. As per learned State counsel, 8 injuries were inflicted upon him out of which 7 have been opined to be grievous in nature. Although, some of the co-accused have been granted regular bail, but the petitioner is on run for about 1 year and 3 months and as per learned State counsel, warrants of arrest have been issued against him. One co-accused, namely, Jaspal Singh, who has been granted anticipatory bail was not named in the FIR. However, the petitioner has been specifically named in the FIR. It is yet to be seen as to how many injuries have been caused by the petitioner but the petitioner is still on the run. The submission made by the learned State counsel that the custodial interrogation of the petitioner is required for the purpose of qualitative investigation and for recovery of weapons and to unearth the *modus operandi* with regard to his participation as a part of member of unlawful assembly, carries weight and cannot be ignored. So far as the submission made by the learned counsel for the petitioner that one of the co-accused, namely, Jaspal Singh has been granted anticipatory bail by this Court is concerned, learned State counsel has pointed out that the aforesaid Jaspal Singh was also named in the FIR with nick name of Bali. However, the aforesaid Jaspal Singh had immediately filed a petition for

CRM-M-41563-2023

-5-

grant of anticipatory bail before this Court on 27.06.2022 and was granted interim anticipatory bail on 05.07.2022, thereafter, he joined the investigation and the interim protection was made absolute on 23.08.2022. Whereas, the present petitioner remained on run for more than 1 year and filed anticipatory bail before the learned Sessions Court on 04.07.2023 after a lapse of 1 year and 2 months with the result that the police could not even investigate the case *qua* the petitioner. Therefore, this Court is of the view that the petitioner is not at parity with aforesaid Jaspal Singh.

9. Considering the totality of the facts and circumstances of the present case and gravity of offence involved, this Court does not deem it appropriate to grant anticipatory bail to the petitioner. Consequently, finding no merit in the present petition, the same is dismissed.
10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

11.09.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |