

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

CRM-M-47379-2023

DATE OF DECISION :- 12.10.2023

NIKKU ALIAS NIKHIL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Sapna Khurana, Advocate for the petitioner.

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

Ms. Divya Gulati, Advocate for the complainant.

JASGURPREET SINGH PURI, J (ORAL)

1. The present petition is filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.61 dated 5.4.2023, under Sections 323, 324, 341, 506, 379, 148, 149 IPC, registered at Police Station Gate Hakima, District Police Commissionerate Amritsar.

2. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and even otherwise also as per the affidavit filed by the State in the present case, the only injury attributed to the petitioner was on the left hand palm whereas grievous injury has been attributed to the other co-accused namely Vareen Badal, who has since died. He further submitted that the petitioner had nothing to do with the present offence. The dispute, if any, was with the other co-accused

namely Vareen Badal with regard to the Scorpio vehicle which is subject matter of the present dispute and he has already passed away and, therefore, the petitioner may be considered for the grant of anticipatory bail.

3. On the other hand, Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab by referring to the short reply by way of affidavit filed by Surinder Singh, PPS, Assistant Commissioner of Police, Central, Amritsar submitted that this is a case where the petitioner along with other accused had come to the office of the complainant and they had threatened them and after lapse of time they started beating and inflicted injuries on the complainant and in this way two persons sustained the injuries i.e. complainant-Sunny Chawla and one Parminder Singh @ Mani. While referring to the Para No. 5 of the affidavit, it is submitted that so far as the injuries sustained by Sunny Chawla are concerned they are 7 in number, out of these two are grievous injuries and so far as the injuries suffered by Parminder Singh @ Mani are concerned, he suffered a simple injury and the aforesaid petition is supported by the MLRs reports in this regard. He also submitted that the petitioner was a part of the unlawful assembly, that had caused number of injuries to the complainant and other injured persons. He further submitted that the petitioner is also involved in one more case i.e. FIR No.228 dated 30.08.2020, under Sections 323, 325, 148, 149 and 326 IPC, registered at Police Station Hakima, Amritsar, which is pending trial. He has submitted that in this case custodial investigation of the petitioner is required and the weapon is also required to be recovered.

4. Ms. Divya Gulati, Advocate for the complainant submitted that serious injuries were caused to complainant-Sunny Chawla and also to the

other injured persons and further referred to some of the photographs in this regard.

5. At this stage, the learned counsel appearing on behalf of the petitioner further submitted that the complainant is also involved in seven more cases.

6. I have heard learned counsel for the parties.

7. It is a case where allegations against the petitioner are that the petitioner along with other co-accused formed an unlawful assembly and had caused injuries to the complainant and one of the other injured person. The injuries so caused to each injured person are, 7 injuries to the complainant equivalent to grievous and one simple injury to the other injured namely Parminder Singh @ Mani. The dispute as per the allegations was with regard to repossessing of a vehicle Scorpio Jeep because there was a money dispute. The petitioner is also stated to be involved in one more case as aforesaid and at the same time the complainant is also stated to be involved in some other cases as well. Be that as it may this Court would look into the allegations in the present case and the injuries caused to the injured including the complainant.

8. The submissions made by the learned State counsel as well as learned counsel for the complainant that even if the other co-accused namely Vareen Badal has already died but the petitioner was also actively involved in the present offence especially because he is the brother-in-law of the aforesaid Vareen Badal and they had come together for repossession of the vehicle and that the custodial interrogation of the petitioner is required for the purpose of elicitation of the truth and for recovery of weapons.

9. After perusing the record and hearing the learned counsel for the parties this Court is of the view that considering the gravity of offence the petitioner does not deserve the concession of anticipatory bail.
10. Consequently, the present petition is dismissed.
11. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

12.10.2023
P.Singh/Jatin

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