

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

CRM-M No.47580 of 2023

Date of decision: 21st September, 2023

Sanjeev Kumar & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mrs. Kanwal S. Walia, Advocate for the petitioners.

MANJARI NEHRU KAUL, J.

1. The petitioners are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.101 dated 06.09.2023 under Sections 452, 323, 506, 148, 149 IPC registered at Police Station Anaj Mandi, District Patiala.

2. Learned counsel for the petitioners, inter alia, contends that they have been falsely implicated in the case in hand for allegedly inflicting injuries upon the complainant, after forming an unlawful assembly. It has been submitted that the complainant and petitioner No.1 are real brothers and since the complainant was unhappy with the marriage of the daughter of petitioner No.1 with a boy of her own choice, the complainant had fabricated a false version involving not only him and his wife but also his wife's brother, i.e. petitioner No.1. It has also been submitted that the wife of petitioner No.1, i.e. co-accused Bharti, had since been extended the concession of anticipatory bail.

3. Mr. Raman Mohinder Sharma, Advocate puts in appearance on his own and files his power of attorney on behalf of complainant. He has vehemently opposed the prayer made by the counsel opposite. While drawing the attention of this Court to the FIR, it has been submitted that the petitioners along with co-accused came to the house of the complainant with lethal weapons. They not only damaged the glass panes of the windows of the house, but also inflicted several injuries upon the complainant and his nephew Harish Kumar. Learned counsel for the complainant has further drawn the attention of this Court to the MLR which stands reproduced in the impugned order dated 15.09.2023 passed by learned Additional Sessions Judge, Patiala wherein it stands reflected that as many as 5 injuries were inflicted upon the complainant and 4 injuries on his nephew Harish Kumar. Learned counsel has argued that the ocular testimony of the complainant thus, corroborates the medical evidence.

4. I have heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the complainant and perused the relevant material on record, including the FIR, which has been annexed as Annexure P-1.

5. Prima facie, there are serious and specific allegations against the petitioners, who along with the other accused, attacked the complainant and his nephew by inflicting various injuries on their person. It appears to be a premeditated attack upon the complainant. The injuries sustained by the complainant party prima facie further corroborate the

ocular testimony of the complainant. The petitioners cannot seek parity with co-accused Bharti, who has since been extended the concession of bail, as no injury was attributed to her and the only allegation qua her was of instigating the petitioners and the other accused to commit the crime in question. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioners.

6. Dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 21, 2023
rps

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