

CRM-M-50984 of 2022

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

CRM-M-50984 of 2022

Date of decision: 03.03.2023

Deepak Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Naveen Sharma, Advocate,
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J.(ORAL)

This petition has been filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.231 dated 28.12.2015 under Sections 307, 382, 323, 341, 506, 201, 148, 149 IPC, registered at Police Station Division N.6, District Ludhiana.

Present FIR was registered against the petitioner and others on the statement of complainant Sunny Verma son of Tarsem Verma, resident of 4597/1, Street No.3, Shivaji Nagar, Police Station Division No.6, Ludhiana on the allegations that on 27.12.2015, he along-with his brother Himanshu Verma had gone to birthday party of their common friend Rahul, at Tasty Bite Restaurant and after the party he along-with his brother Himanshu at 10.40 PM was returning to their house on their motorcycle and from the park, constructed opposite

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Tasty Bite Restaurant, Akash @ Kasha, armed with Datar, Kala Ferozpuria armed with sua (Awl), petitioner-Deepu Kanganwal, who is brother in law of Aakash Kasha, Karan Kumar, Kuldeep Kumar @ Lallu, Angad @ Angu and Mana all armed with Datars alongwith 15-20 other persons, armed with weapons, came while raising lalkaras and started inflicting injuries upon them with weapons, due to which his brother Himanshu Verma fell down from the motorcycle. Akash @ Kasha gave Datar blow on the head of his brother with the intention to kill him and his brother Himanshu raised his left hand, which hit on the palm of left hand of his brother. His brother tried to run away, then all accused encircled him and his brother. Aakash @ Kasa gave Datar blow on the head of his brother, which struck on the back of head of his brother. Then Akash @ Kesa gave blow from the reverse side of Datar on the head of his brother, which hit on the nose of his brother and next blow given by Akash @ Kesa hit under the left knee of his brother, Kala Ferozpuria gave sua (awl) blows, which hit on the chest of his brother on left side below the heart, he gave second blow, which hit on left side of chest of his brother, Kala Ferozepuria gave third blow with sua(awl) on the stomach of his brother. His brother ran away towards side street while raising hue and cry and complainant ran away towards other side and while complainant was running, Karan Kumar gave Datar blows, which hit on the back and front on his neck and right arm. Petitioner-Deep Kanganwal snatched his mobile i.phone 4 S, Kuldeep Kumar @ Lallu, Angad Kumar@Angu and Mana started raising lalkaras loudly that they both the brothers have identified them, so do

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not allow them to run and kill them. Complainant and his brother raised hue and cry, upon which aforesaid assailants ran away alongwith their weapons on their own different scooter, motorcycles and Swift dzire. The motive behind the occurrence was that few days back petitioner-Deepu Kanganwal and his brother-in-law Aakash @ Kasa had met with an accident at Janakpuri turn and his brother Himanshu Verma and Sandeep Singh had stopped them from creating nuisance on the road due to which both the accused entered into quarrel with Himanshu Verma his brother and Sandeep. Thereafter, after arranging the vehicle, complainant took his brother Himanshu Verma to CMC Hospital, Ludhiana where his condition was serious.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that petitioner is in custody since 01.06.2022. He further submits that petitioner is ready and willing to appear before the Court on each and every date. Therefore, he may be granted the concession of regular bail.

Per contra, learned State counsel has opposed the prayer for grant of regular bail to the petitioner stating that the petitioner has evaded the process of Court for a long time, thus, he was declared as proclaimed offender vide order dated 03.01.2018 and was finally arrested on 01.06.2022. There is every likelihood that petitioner can abscond in view of his conduct, if released on bail. He submits that challan has been presented and charges are yet to be framed. Therefore, petitioner does not deserve the concession of regular bail.

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I have heard learned counsel for the parties and perused the record.

In pursuance of notice of motion, learned State counsel has filed status report and perusal of same would reveal that there are serious allegations against the petitioner that he armed with datar was part of the unlawful assembly which caused injuries to the complainant and his brother by committing murderous attack and also stanchd the mobile phone. Brother of the complainant suffered eight injuries at the hands of the petitioner and his co-accused, which have been declared as dangerous and caused with sharp weapon. Moreover, petitioner intentionally and deliberately evaded the process of law for about seven years and was declared proclaimed offender on 03.01.2018 and was finally arrested on 01.06.2022.

Keeping in view his antecedents, if petitioner is released on bail there is every likelihood that he may abscond again and influence the prosecution witnesses. Therefore, this Court is not inclined to grant the concession of regular bail to the petitioner.

In view of the above, present petition is dismissed.

03.03.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No