

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48690-2023
Date of Decision: 02.12.2023

Shivam Chawla and another.....Petitioners.

Versus

State of Punjab....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr.Vikram Satpal Anand, Advocate,
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Ankush Thakral, Advocate,
for the complainant.

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SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioners seek anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
330	21.08.2023	326-A, 323, 341 IPC	P.S. City Ferozepur, District Ferozepur.

2. Brief facts of the case are that instant FIR was registered on the
statement of the complainant, namely Gulshan Kumar Uppal, who is
involved in the business of milk and has taken a Dairy, i.e. Shri Ganesh
Dairy at Civil Hospital Road, Fezorepur, from one Vijay, for four years on
agreement. The aforesaid petitioners including one Shubham Chawla are
working in the said dairy. On 20.08.2023, at about 10.30 AM, he

(complainant) along with three others went to the dairy and on altercation taking place between the petitioners and the complainant, the petitioner No. 2, namely Sudharshan Chawla, poured acid on the complainant and gave baseball bat blow on his head, left eye and nose. Later on, the complainant was got admitted to the hospital and is undergoing treatment as well. As per the version of the complainant, the motive of the petitioners was to take the possession of the aforesaid dairy. Hence, the FIR in question.

3. Learned counsel for the petitioners, inter alia, contends that the complainant and his son armed with knife attacked the petitioners, who are working in the dairy run by the complainant, when they were coming to their dairy and son of complainant had given *kirch* blow which hit petitioner No. 2 regarding which GD No. 43 dated 31.08.2023 (Annexure P-5) was registered at Police Station City Ferozepur, District Ferozepur and later on GD No. 59 dated 25.08.2023 was registered on the declaration of said injury of petitioner No. 2-Sudharshan Chawla being grievous. He further contends that no alleged occurrence had taken place and nothing is to be recovered from the present petitioners and they have been falsely implicated in the aforesaid FIR in question.

4. Per contra, learned State counsel by referring to the reply/status report filed on 30.11.2023, submits that the petitioners having thrown acid on the complainant and his son have committed a heinous crime and their custodial interrogation is required, as such not entitled to bail.

5. Considering the averments made in the application and the respective submissions made by learned counsel, I find that both petitioners do not deserve grant of anticipatory bail on account of serious allegations levelled against them in inflicting injuries by throwing acid on the complainant. Therefore, considering the nature and gravity of the offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail to the petitioner, as a consequent the petition is hereby dismissed.

6. Any observation made above shall not be construed as an opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.12.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |