

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

CRM-M-51779-2023
Date of Decision: 12.10.2023

Shamsher Singh

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ranjodh Singh Sidhu, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 438 CrPC is to grant anticipatory bail in case FIR No.168 dated 15.09.2023 registered at Police Station Sadar Tarn Taran, District Tarn Taran under Sections 452/427/506 IPC.

2. FIR was lodged on the complaint of Sawinder Singh, as per which house of his nephew Shamsher Singh (petitioner) adjoins to the house of the complainant. Said Shamsher Singh-petitioner keeps on harassing the complainant and often creates commotion. On 11.09.2023, when complainant, his wife and daughter-in-law were present at home and were asleep, petitioner started hurling abuses, while standing at the gate of the house of the complainant at about 11 PM in night. Not only this, petitioner trespassed into the house of the complainant with an open sword and went on a mad rampage while shattering the glasses and other paraphernalia of the house of the complainant with the sword and further damaged the mesh of the door of the house of the complainant. The entire

family of the complainant was terrified. Petitioner left the spot after hurling threats.

3. It is contended by ld. counsel that though the occurrence took place on 11.09.2023, but FIR has been registered after delay of 4 days on 15.09.2023. Ld. counsel further contends that petitioner is ready to join investigation and so he be allowed anticipatory bail.

4. Notice of motion.

5. Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent/State.

6. Ld. State counsel has drawn attention towards para-No.6 of the order dated 05.10.2023 passed by ld. ASJ, Tarn Taran, whereby the bail of the petitioner was rejected, wherein it was observed as under: -

“Statement of IO/ASI Manjit Singh, belt No.600/TT was recorded. Along with the police record, the CCTV footage of the occurrence is also contained in the pen drive which was played in the Court and examination of the same reveals that the accused/applicant was behaving like a hardened ruffian, he was holding a naked sword and had gone on a rampage, smashing the objects/articles in the house of the complainant with his sword and indeed his actions would have been traumatizing for the complainant and for his other family members. The accused/applicant was acting in a brazen manner and carried an air of impunity. Hence taking into consideration the conduct of the accused/applicant, the brutality with which he had carried out the offence and the fact that recovery of the weapon of offence is yet to be effected, the Court concludes that the accused/applicant is not entitled to the grant of anticipatory bail.”

7. Ld. State counsel submits that in view of the conduct of the petitioner as noticed above, he does not deserve to be granted benefit of anticipatory bail.

8. Having considered submissions of both the sides and considering the observations made by ld. ASJ, Tarn Taran, which are based upon the CCTV footage of the occurrence, this Court finds the present case to be unfit for grant of anticipatory bail.

Dismissed.

12.10.2023
Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned?	Yes/No
2. Whether reportable?	Yes/No