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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54516-2023(O&M)

Date of Decision:09.11.2023

Roop Lal

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saksham Malhotra, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.140 dated 13.09.2023, under Sections 302, 307, 324, 506, 148, 149 IPC and Section 25 of Arms Act, registered at Police Station Nangal, District Rupnagar.

2. The allegations in the present case as contained in the FIR were that a complaint was lodged by one Rajni by stating that her husband used to do farming and on 12.09.2023 at around 6.00 p.m. due to drop in her BP, she was admitted in Dhannawatri Private Hospital for treatment by her husband. She and her mother-in-law were in the hospital and the doctor applied drip upon her. Thereafter, she called her husband in the hospital by sending a message where her mother-in-law went back home with another boy at around 8:15 p.m. Thereafter, 9/10 boys while having their faces covered and some of them were in possession of weapons including kirpan, gandasa and pistol and they attacked the husband of the complainant and when he was being attacked,

then in order to save her husband, who fell down and then with an intention of killing her, one Bikka and one Prish attacked her with a sword which hit her right hand which she had put to defend herself and they attacked her when she was fallen on the ground with weapons which hit her left arm and right leg. She has identified Bikka, Parish, Kak, Rupa, Mukesh, Laddu, Gallu and two unknown persons who had attacked her husband till the time he was on his deathbed. The aforesaid Rupa is stated to be present petitioner. Her husband's head, ears, arms, both hands, back, shoulders, both legs and ankles were attacked and Bikka, Kak, Rupa (petitioner) and one other whose face was covered had a pistol which was a countrymade pistol. Thereafter Bikka with his weapon i.e. pistol which was a countrymade pistol shot her husband in the chest and thereafter, she pulled her husband and was shot on the left arm and shoulder. In this way, the husband of the complainant had died.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the present case in view of the fact that there was a pre-existing enmity between the parties and the complainant was not in a fit state of mind because of the death of her husband and falsely implicated the petitioner in the present case.

4. On the other hand, Mr. Ramdeep Partap Singh, learned Senior DAG, Punjab has stated that he has sought instructions in the present matter and has also submitted that it is a case where the petitioner alongwith 9/10 more boys had brutally and mercilessly killed the husband of the complainant and there is a direct attribution towards the petitioner even in the FIR and there is a direct role attributable to him. He further submitted that the petitioner has concealed material facts from this Court in not disclosing number of other cases against him. He referred to para no.18 of the present petition to contend that in the aforesaid para he has only stated that the petitioner is not involved in

any other such or similar case of homicide except the present FIR. He submitted that although he has so submitted and stated that there was a pre-existing dispute and he was earlier also involved in cases but he has not disclosed the details of the cases in the petition. He submitted on instructions that the petitioner is involved as many as 11 more cases pertaining to Section 307, 302 IPC, NDPS Act and Excise Act etc. and he is a habitual offender. He further submitted that custodial interrogation of the petitioner is required in the present case for the purpose of elicitation of truth and for qualitative investigation in view of the aforesaid seriousness of the offence and the facts and circumstances of the present case.

5. I have heard the learned counsel for the parties.
6. There is direct attribution towards the petitioner in the FIR itself. The petitioner is stated to be involved in 11 more cases which according to the learned State counsel some of them are similar in nature. As per FIR the petitioner alongwith other accused had inflicted injuries on the husband of the complainant till her husband had reached the state of death. There are number of injuries on the deceased by various weapons including illegal pistol. This Court therefore considering the gravity of the offence and the allegation against the petitioner does not deem it fit and proper to grant anticipatory bail to the petitioner.
7. Consequently, the present petition is dismissed.
8. 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.

09.11.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No