

CRM-M-62956-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(106-2)

CRM-M-62956-2023

Date of decision:- 14.12.2023

Salim ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab.

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SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

FIR No.	Dated	Police Station	Section(s)
110	23.09.2023	Bhogpur, District Jalandhar Rural.	452, 323, 324, 427, 148 and 149, IPC.

2. Factual matrix leading to the petition is that FIR, Annexure P-1, has been registered on the statement of David Masih, stating that at about 08.00 p.m. on 19.09.2023, when he and his family members were at home, they noticed a shadow on the roof of their house. Neetu, complainant's sister-in-law climbed upstairs and saw Kiran on the terrace, who attacked Neetu with a blade and she raised an alarm. Complainant and his father rushed and saw that Kiran was trying to cut her neck with blade. Kiran's parents reached and took her

home. After some time, Kiran, Mahendra Pal, Binder (Kiran's mother), Salim,

(Kiran's brother) present petitioner, and Manga, who were armed, attacked their house. On spotting them, complainant locked the gate, assailants could not enter and left. Later, they came again and managed to break upon the lock of the gate. Salim along with 5-6 persons, armed with datar and kirpan, entered into the lobby. Salim gave repeated sword blows on the complainant and his father, and instigated a co-accused by the name of Gagan, who also hit the complainant with the datar. The unidentified persons and Salim, attacked his father. When an alarm was raised, all the assailants fled away with their weapons leaving their motorcycles behind. The complainant and his father were admitted in the hospital. Complainant alleges that Kiran was in an affair with the Patras, complainant's brother and wanted to marry him, but he solemnized the marriage with Neetu. Due to this grudge, complainant and his family members were attacked.

3. Counsel for the petitioner has argued that petitioner has been falsely implicated on account of previous enmity and there is an unexplained delay of 4 days in registration of FIR, Annexure P-1. Counsel submits that petitioner, who enjoys clean antecedents, is prepared to co-operate with the investigation.

4. Advance copy of the petition has been served upon the State.

5. State counsel has opposed the prayer and has submitted that repeated attacks have been carried upon the complainant and his family members, on the same day, resulting serious injuries to them.

6. I have heard counsel for the parties and considered their respective submissions.

7. Petitioner is accused of an unprovoked attack upon the complainant and his family members. He has specifically been named in the FIR, Annexure P-1, and has inflicted numerous injuries with a sword, which he was carrying.

He exhorted the assailants, who attacked the complainant and his aged father. The attack was carried out twice in a span of few hours with the pre-determined mind. Numerous injuries have been inflicted upon the complainant, his father and sister-in-law. It appears that none of the accused, who created terror, nor the weapons of offence, have been recovered. This Court is of the opinion that custodial interrogation of the petitioner is imperative.

8. Furthermore, it deserves to be noticed that the learned Additional Public Prosecutor had urged before the learned Additional Sessions Judge, Jalandhar that a serious offence under Section 458, IPC, has been committed, but the Investigating Agency, for the reasons best know to it, have not invoked the provision. The Court, therefore, is of the view that the matter deserves to be looked into by a senior official.

9. Keeping in view the totality of facts and circumstances, nature of allegations, injuries inflicted and gravity of offence, the concession of anticipatory bail cannot be extended to the petitioner.

10. Petition is dismissed.

11. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

12. Copy of the order be sent to the Senior Superintendent of Police, Jalandhar, District Jalandhar Rural, to monitor the investigation.

(SUVIR SEHGAL)
JUDGE

14.12.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No