

2024:PHHC:007616

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

103

CRM-M-3071-2024

Date of Decision : **January 20, 2024**

KARAN SAHOTA AND ANOTHER

.....Petitioners

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. I.P.S.Kohli, Advocate for the petitioners.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of pre-arrest bail to the petitioners in case FIR No.349 dated 19.12.2023 under Sections 307/323/324/506/148/149 of IPC, registered at Police Station Rama Mandi, District Jalandhar.

2. The instant FIR was registered on a statement made by one Sainesh Sahota, with the allegations that on 18.12.2013 at about 10 p.m., when the complainant and his family members went to sleep after having their dinner, then Varun Sahota son of Ramesh Kumar had called complainant's brother Shivam Sahota, who then went outside. After sometime, there were hue and cry outside, the complainant then alongwith his brother went outside, and saw that the petitioners were giving beatings to the brother of the complainant, namely, Shivam Sahota. The complainant after intervening got rescued his brother, and Shivam Sahota gave brick blow towards Varun Sahota in anger, but Varun Sahota raised *lalkara* that he should not be spared. Thereafter, Varun Sahota's brother Karan Sahota, Sajan Sahota and two other unknown boys started giving beatings to the complainant party. Varun Sahota again raised *lalkara* that today they should be finished. Thereafter,

Karan Sahota gave *khanda* blow to the complainant, with an intention to commit murder of the complainant, the said *khanda* blow was given on right thumb, as well as on the first finger of right hand of the complainant and another blow on his nose was also given by the petitioners and these persons then ran away from the spot alongwith their respective weapons.

3. The instant petition has been filed without placing on record the MLR.

4. Ms. Navreet K. Barnala, AAG, Punjab, on an advance notice, has shown the MLR of both the injured, perusal of the same reveals the following injuries, as suffered by the injured:-

“1. Incised wound of 3x1x1 inches on right hand inability to move fingers, fresh bleeding present. Adv. X-ray and ortho opinion, Suturing and admission refused by patient.

2. Incised wound of 3.5X1 cm U shaped on tip of nose. No fresh bleeding, Suturing refused by patient.”

5. Considering the fact that two persons suffered five injuries, which include four incised wound injuries, and all the injuries suffered are not superficial, rather are stated to be serious injuries, therefore, no case for pre-arrest bail is made out. The instant petition is accordingly, dismissed.

6. However, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

January 20, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No