

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

CRM-M-15599-2024(O&M)

Date of Decision : **22.04.2024**

MEHARBAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sumeet Puri, Advocate,
for the petitioner (through V.C.)

Mr. Raghav Garg, AAG, Punjab.

Mr. Arjun Veer Sharma, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On the last date of hearing, i.e. 10.04.2024, the following order was passed by this Court:-

“1. As prayed for, the instant application is allowed. The MLR concerned is taken on record as Annexure P-3, and, Sections 325, 326 of the IPC are ordered to be added at all the relevant places in the main case.

2. The Registry is directed to carry out the requisite corrections. CRM-M-15599-2024

3. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.13 dated 16.02.2024, under Sections 307, 323, 325, 326, 341, 506, 148, 149 of the IPC, registered at P.S. Division No.2, District Police Commissionerate Ludhiana.

4. Perusal of the FIR reveals that, on a single day, two incidents have occurred in the present case, i.e. the first incident occurred at 9.30- 9.45 p.m. in Kot Mangal Singh Gali No.01, and, the second incident occurred at 11.45-11.55 p.m. near Bikaner Sweets, Kidwai Nagar.

5. The learned counsel for the petitioner submits that though the petitioner was present at the time of occurrence of the first incident, however, he was not present at the time of occurrence of the second incident, wherein, he is alleged to have caused grievous injury(ies) to the injured concerned. Since the

petitioner had himself suffered injuries in the first incident, therefore, at the time of occurrence of the second incident, the petitioner was in fact present in the Police Station concerned for lodging a complaint against the complainant party. To buttress his above argument, he has drawn attention of this Court towards the MLR (Annexure P-3) of the petitioner, wherein, he is shown to have suffered nine injuries.

6. At this stage, the learned counsel for the complainant has opposed the grant of anticipatory bail to the petitioner, on the ground that, specific role has been attributed to the petitioner.

7. Notice of motion.

8. Mr. Pardeep Bajaj, D.A.G., Punjab, waives service of notice on behalf of the respondent-State, and, he is directed to file a specific reply, detailing therein, the role and criminal antecedents of the present petitioner, besides detailing the incriminatory material, as collected by the investigating officer concerned, which connects the petitioner with the alleged crime.

9. List on 22.04.2024.”

2. In pursuance of the directions issued by this Court, a status report, dated 22.04.2024, by way of an affidavit of Mr. Akarshi Jain, ACP (Central), Ludhiana, has been filed, by the learned State counsel today in Court, which is taken on record, with a copy thereof supplied to learned counsel for the petitioner.

3. In the status report (*supra*), it has been pointed out that the petitioner was specifically named in the FIR, and further the injured Damanpreet Singh, also specifically stated the same version as that of complainant. Not only that, the motive of committing the crime by the petitioner has been made out during the investigation, and six other eye-witnesses present at the spot also supported the case of prosecution, wherein, it was alleged that the petitioner had given the iron *daat* blow to the son of the complainant. As per call details record of the petitioner, his last at about 11:21 p.m., is just 5-7 minutes away from the occurrence.

The disclosure statement of the co-accused also points out the role of the present petitioner, and his presence at the place of occurrence. Further the complainant's son/injured from the CCTV footage identified the present petitioner as one of the attacker.

4. Today also learned State counsel, before this Court has produced some pictures as culled out from CCTV footage, wherein the petitioner is shown to have been participating, and attacking the son of the complainant. Further, from the MLR the following injuries, were found to have been suffered by the son of the complainant:

- “i) Lacerated wound over chin approx.4*2*1cm-Blunt injury-Simple injury
- ii) Lacerated wound over left high parietal region of scalp in the left paramedian region approx.6*2*1cm- blunt injury-Grievous injury
- iii) Lacerated wound over left temporal region of scalp extending to left ear approx.8*2*1cm-Blunt injury-Grievous injury
- iv) Lacerated wound over lower lumbar measuring approx.15*3*3cm-blunt injury region injury-Grievous
- v) Left ear pinna avulsed full thickness for a length of approx.3cm*1cm*1cm-Griveous injury”

5. In view of the above, and seeing the gravity of offence, and the role of present petitioner, and the incriminating evidence collected by the prosecution agency so far, this Court finds out that no case is made out for grant of pre-arrest bail to the petitioner.

6. Hence, the instant petition is **dismissed**.

April 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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