

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

2024:PHHC:050937
CRM-M-17333-2024
Date of decision: April 16th, 2024

Veer Davinder Singh @ Davinder Singh @ Binder

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shiv Charan Bhola, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.68 dated 02.12.2023 under Sections 323, 379-B, 34, 411 of the IPC registered at Police Station City Kurali, District S.A.S. Nagar.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was not named in the FIR in question and was later on, falsely implicated in the case in hand. He submits that there is no specific attribution qua the petitioner in the crime in question and false allegations have been levelled that petitioner along with co-accused, stopped the complainant, who was going on his activa scooter on the fateful day at 9:00 PM, on the pretext of taking a lift and thereafter, he was inflicted iron rod blow on his person rendering him unconscious. Learned counsel submits that in the aforementioned facts and circumstances, there can be no manner of doubt that the petitioner is innocent and thus, deserves to be enlarged on bail.

3. *Per contra*, learned State counsel while vehemently

opposing the prayer and submissions made by the counsel opposite has submitted that no doubt, the petitioner was not named in the FIR in question, however, the complainant had given a description of the physical attributes of the petitioner; furthermore, subsequently the amount of money which had been stolen from the person of the complainant was recovered from the petitioner. Learned State counsel has further submitted that the petitioner was identified by the complainant during investigation as being the person, who had stopped him on the fateful day and thereafter, inflicted injuries on his person along with the co-accused. Learned State counsel, on further instructions, has submitted that though the charges stand framed, however, none of the 12 prosecution witnesses have been examined till date and in case the petitioner is enlarged on bail, there is every likelihood that he could intimidate or influence the witnesses.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. In the facts and circumstances an enumerated hereinabove, particularly keeping in view the serious allegations levelled against the petitioner, this Court is not inclined to grant him the concession of bail at this juncture.

6. The instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 16th, 2024

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No