

CRM-M No. 32908 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 32908 of 2024
Date of Decision: 02.09.2024

Gaurav Tiwari ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Jaidka, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Paras Talwar, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
70	19.06.2024	Sarabha Nagar, District Ludhiana	458, 323, 324, 148, 149, 506 IPC

1. The petitioner, apprehending arrest in the FIR captioned above, came up before this Court under Section 438 of the CrPC, 1973, seeking anticipatory bail.
2. Vide order dated 12.07.2024, this Court had granted interim anticipatory bail to the petitioner and the said order is continuing till date.
3. Prosecution case is being extracted from report dated 28.08.2024 filed by State which reads as follows:-

“3. That in compliance to the above noted order of this Hon'ble Court, it is respectfully submitted that complainant- Murli Jaiswal made a statement with the police in which he stated that he works as Manager in Skyhigh Hotel since last 4 years and the owner of this hotel is Amit Kakkar who has another hotel namely Koji Inn and its working are also looked after by the complainant.

It was further alleged that on 11.06.2024 the said Amit Kakkar and Harish Kakkar were taking Dinner in Room No.101 of their Hotel Koji Inn, then at about 11.15 p.m the present petitioner along with Navjot Singh, Jagjeet Singh, Romi,



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Varinder Singh, Prince and two unknown persons, armed with sharp edged weapons, came in the said room no.101 of the hotel and started arguments with owner Amit Kakkar. The present petitioner took out iron Daat from his Fold and hit its blows at the left arm of Amit Kakkar. Romi removed his thick/big iron Kara from his hand and hit its blows at the legs and arms of Amit Kakkar. The other persons picked up glass bottles and tables/chairs from the room and hit the same and caused beatings to Amit Kakkar. The complainant and Harsh Kakkar tried to stop them on which the said persona attacked the complainant and caused beatings to him and while beating, brought out the complainant from the room to the lobby of the hotel. complainant and others raised alarm, When the then the said persons ran away from the hotel with their weapons. Thereafter the complainant and Amit Kakkar got conducted their medical examination from Civil Hospital, Ludhiana. It was further alleged that even thereafter the said persons were threatening the complainant and others to kill them and their family members and due to their fear, the complainant could not earlier come to report the matter to the police. It was further alleged that with the said beatings, Amit Kakkar has been mentally distorted.

In the MLR of Amit Kakkar, the doctor has documented total five injuries i.e. (i) Incised wound on left arm (caused by the petitioner); (ii) Swelling on left forearm (caused by the petitioner); (iii) Lacerated on right leg anteriorly; (iv) Contusion on mid back region crossing midline; and (v) Swelling on right side parietal aspect of skull. Injury on left arm has been caused by the petitioner with sharp edged weapon and the remaining injuries are with blunt weapons. Thereafter opinion regarding the head injury of Amit Kakkar was obtained from the doctor who opined that the same is not dangerous to life and the same is simple in Similarly in the MLR of the complainant, the doctor has documented total four nature. injuries i.e. (i) Lacerated wound on left parietal aspect of skull; (ii) Abrasion on left shoulder posteriorly; (iii) Contusion on right flank; and (iv) Abrasion on lower lip along with left side. All the Injuries have been caused with blunt weapons. Accordingly FIR No.70 dated 19.09.2024, u/s 458, 323, 324, 148, 149, 506 IPC, P.S. Sarabha Nagar, Ludhiana (Annexure P-1) has been registered against the petitioner and his co-accused Gaurav Tiwari, Jagjit Singh, Romi, Varinder Singh, Prince and two unknown persons.

4. That Statement u/s Cr.P.C. 161 of injured/eye witness Amit Kakkar was also recorded who corroborated the entire occurrence."



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4. Counsel for the petitioner has referred to paras no.5 and 6 of the petition and submits that it is a case of monetary dispute which has been given criminal colour and infact Amit had caused injuries to opposite party and has drawn attention to Annexure P-6. He further submits that on the same incident, the petitioners were summoned under Section 107/151 CrPC and now FIR has been registered regarding same incident.

5. Although there is sufficient prima facie evidence connecting the petitioner with the alleged incident but given the nature of injuries, the absolute possibility of a civil dispute, concealment of actual story by the complainant party and the absence of motive, petitioner being first offender and during his interim bail, he did not violate any of the conditions are sufficient grounds to make the interim bail absolute.

6. Given above, the petition is allowed and interim order dated 12.07.2024 is made absolute. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

02.09.2024
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.