



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-42591-2024 (O&M)
DECIDED ON: 31.08.2024

RAJNEESH KUMAR ALIAS GORA BHOORA

.... PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anoop Verma, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J1. RELIEF SOUGHT

The jurisdiction of this Court under Section 482 B.N.S.S. has been invoked seeking grant of anticipatory bail to the petitioner in case FIR No. 20, dated 24.03.2024, under Sections 307, 323, 324, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Bhargo Camp, Police Commissionerate Jalandhar.

2. The contents of the FIR read as under:-

"Statement of Vikram alias Vicky son of Sewaram resident of house number 50/1 mohalla Sant Nagar Mangu Basti Jalandhar aged about 28 years mobile number 9041575704. It is stated that I am resident of above noted address and does the work on cloth shop at gudmandi

Jalandhar. On 21.3.2024 at about 5:30 my uncle son mintu went to Beli Halwai Shop Bhargo Camp, Jalandhar to buy Parshad, who called on my phone that he has been covered by 1. Jhumru alias Sandeep Kalyan s/o Pappu Jhajju r/o Sant Nagar, near Handa Diary, Jalandhar. 2. Gora Bhoora s/o Satpal r/o Bhargo Camp Jalandhar. 3. Rahul s/o Balwinder Kumar r/o Kartar Nagar Jalandhar and his brother 4. Saurav s/o Balwinder Kumar , 5. Gullu Gori r/o Bhargo Camp Jalandhar 6. Maddi r/o Bank Side Bhargo Camp PS Jalandhar and 4-5 unknown persons and started giving beatings to me. On which, I Shanti Haveli and my uncle Bahadur reached Tahni Wala Chownk Bhargo Camp and all the persons were carrying Daatar, who were beating my uncle's son Mintu with Daatar and when we reached near. Jhumru hit my head with his Daatar which hit my head in the center and blood started oozing out and second hit was given by Rahul on my head with his Daatar, which also hit my head, third blow of daatar was given by Jhumroo on my head and to save myself my left hand was brought forward and daatar hit my little finger of my left hand. And then Gulu Gori hit my head with his Daatar, which also hit my head. And I fell down and then Gora Bhoora s/o Satpal r/o Bhargo Camp hit my back with his Daatar which hit my back and then Maddi r/o Bhargo Camp hit my back with his daatar which hit my back on the left side, due to which I got bloody. They also hit my uncle's son with Daatars and also injured them and then me and my companions raised alarm Maar Dita Maar Dita, then all these accused fled away on seeing the public. They with the intention to kill have hit us with sharp weapons. Legal action may kindly taken against them Statement has been written, heard and found correct. Sd/- Vikram Sd/-Raghuvir Singh ASI."

3. ***SUBMISSIONS***

ON BEHALF OF THE PETITIONER:

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR wherein it has been alleged that the petitioner has hit with Daatar at the back of the complainant. He further contends that the petitioner was not even present at the spot of the occurrence as can be seen from the CCTV footage and moreover, the present incident took place on 21.03.2024 at around 5.30PM whereas the FIR stands registered after three days which clearly creates doubt at the credibility of the complainant.

ON BEHALF OF RESPONDENT-STATE:

Learned State counsel on instructions from the investigating officer prays for dismissal of the present application wherein the injuries attributed to the petitioner are grievous in nature and moreover interrogation of the petitioner is required for the recovery of weapon of offence and for further investigation in the instant FIR.

4. Heard learned counsel for the parties at length.

5. **ANALYSIS AND CONCLUSION**

Be that as it may, after considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that custodial interrogation of the petitioner is required particularly in view of the fact that serious overt act has been attributed to the petitioner.

Moreover, it is settled proposition of law that power exercisable under Section 438 Cr.P.C., is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of *Andhra Pradesh vs. Vimal*

Krishna Kundu, AIR 1997 SC 3589, Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in **Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598**, it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

6. In view of the seriousness of the allegations, the custodial interrogation of the petitioner is certainly required. Therefore, I find no merit in the petition and the same is hereby dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

31.08.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No