



CRM-M-48267-2024 (O&M)

1

210

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48267-2024 (O&M)

Date of Decision : 25.11.2024

SANJEEV

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vipin Mahajan, Advocate
for the petitioner(s).

Mr. Vinay Kumar, DAG, Punjab.

Mr. Dhawaljeet Dutta, Advocate
for the complainant.

KIRTI SINGH, J.(Oral)

1. Apprehending arrest in FIR No.146 dated 13.07.2023, under Sections 326, 427, 341, 506, 148 and 149 IPC registered at Police Station City Gurdaspur, District Gurdaspur, the petitioner-sanjeev has preferred this petition under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail.
2. The contents of the above-mentioned FIR are reproduced herein below :-

“Statement of Mohan Lal S/o Ishar Dass R/o BSF Chowk, near Shani Devta Mandir Gurdaspur aged 63 years(M) 9877056948. Stated that I am resident of aforesaid address and got retired as Bank Manager from Punjab National Bank. Today in the afternoon my son Rajan, aged 23 years who has gone for a hair cut at Pamma Saloon, near Kuldeep Gun House, G.T Road Gurdaspur. I was waiting for him for quite sometime but he did not return back, so I went to search



for him at the saloon. At 03:40 PM, when I reached near the Saloon, then my son was about to return back home in his white coloured Hyudai Grand 1-10 car bearing PB-06-BC-2341. Then a white coloured Bolero Car bearing PB-03AF9551 came from behind which hit the car of my son. In order to save himself, my son got down from the car and ran towards the street going to the Saloon. Then Rohit ® Thanki S/o Bittu R/o Bariar, Preet S/o Attu R/o Bariar, Abhi So Shiv Kumar R/o ITI Colony, Kunal S/o Unknown R/o ITI Colony and Thangal R/o Babowal and 2-3 unknown person armed with baseball and datar attacked my son on right arm and chopped off his wrist in my presence. They also attacked him on his head and also inflicted injuries on other parts of the body. On raising Raula, all the aforesaid accused ran away from the spot with their weapons while threatening. While going, they also damaged our car. Then, I arranged the vehicle and took my son Rajan to Deepak Ortho Medical Centre, Gurdaspur and admitted him there. The doctor has not issued the MLR as of now. The cause of grievance that the accused earlier also had a fight with my son and regarding which my son also knows. Sd/- Mohal Lal (signed) in English, attested Sd/- Raj Mash ASI, P.S City Gurdaspur dated 13.07.2023. ”

3. Learned counsel for the petitioner *inter alia* submits that petitioner has been falsely implicated in this case and his name is not mentioned in the FIR. It is contended that the police are trying to link the petitioner to a person named “Thangal” whose name is mentioned in the FIR, and this is a clear case of mistaken identity. Furthermore, it was submitted that there is no direct evidence to prove the petitioner’s involvement in the alleged offence.
4. Per contra, learned State counsel submits that a warrant was issued to declare the petitioner a proclaimed offender along with co-accused. During the



investigation, the petitioner joined proceedings on 10.10.2024 and admitted to having destroyed the weapon of offence, which was identified as a “Dattar”, leading to the addition of Section 201 IPC. The State Counsel further submitted that one of the injuries, specifically Injury No. 8, has been attributed to the petitioner, which is grievous in nature. The seriousness of the allegations is significant, as the case involves not only grievous injuries but also the petitioner’s alleged active role in the crime. The petitioner’s actions show his involvement in the offence and an attempt to evade justice by destroying evidence. Given the seriousness of the crime, the petitioner’s role, and the need for a thorough investigation, the State argued that no grounds exist to extend the benefit of anticipatory bail to the petitioner at this stage.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. In ***Sushila Aggarwal v.State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

7. In ***Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors.*** reported in (2011) 1 SCC 694 rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon’ble Supreme Court advocated the need to balance individual personal liberty with societal interest and observed:-

“84. Just as liberty is precious to an individual, so is the society’s interest in maintenance of peace, law and order. Both are equally important.”

**CRM-M-48267-2024 (O&M)****4**

8. There are serious allegations levelled against the petitioner. One of the injury attributed to the petitioner is grievous in nature. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

9. The petition is dismissed.

10. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11. Pending application(s), if any, also stands disposed of accordingly.

25.11.2024

Kavita

**(KIRTI SINGH)
JUDGE***Whether speaking/reasoned? Yes/No**Whether reportable? Yes/No*