

226

2024:PHHC:169703



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55405-2024
DECIDED ON: 13.11.2024

MANDEEP LAMBA @ MANDY

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumit Dua, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in FIR No.137, dated 12.11.2023, under Sections 323, 307, 148, 149 IPC and Section 25, 27 of Arms Act, 1959, registered at Police Station Basti Jodhewal, District Ludhiana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Stated that I am resident of above address and working with Corporation Ludhiana as Safai Sewak. We are two brothers and the elder one and my younger brother is Mani. On 11.11.2023 at about 9.00 PM I and my Mani and my cousin brother Akash and Deepak went to purchase clothes at Rahon Road Ludhiana. My cousin brother Sumit used to work on the cloth shop, when we are seeing the clothes and one person working in the shop namely Mandy said

to my cousin Sumit that you don't spread the clothes and said that they are all my family members, then Mandy abused my cousin and due to this altercation took place between them and the owner of the shop told Mandy to sit in the shop and we all were sent out of the shop and on hearing the mobile outside the shop the present councilor came at the spot and he pacified both the parties, and told us that tomorrow both the parties will be heard and we all went to our houses. At about 10:00PM Ashwani, Lukcy Ghulla both son of Billa r/o Indra Colony Ludhiana, Mandy, Lucky and 10 persons alongwith them came in our street and started abusing outside our house and we came out and these persons having kirpan, empty bottles, datar, danda in their hands and having bricks in their hands and gave us threats and I can recognized them if comes in my front and fired a shot on the left of the chest of my father and my father fell on the ground and after arranging a vehicle he took him to CMC Ludhiana and got admitted”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that he has been falsely implicated in the present case wherein no injury has been attributed to the petitioner and indeed, his presence is yet to be established. Further, there is inordinate delay in filing the FIR which also indicates that the police is hand in glove with the complainant. He has drawn attention of this Court to an order dated 23.09.2024 (Annexure P-4) passed by this Court in CRM-M-37167-2024 vide which co-accused persons have already been granted the concession of regular bail.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He vehemently opposes the prayer made in the instant petition stating that the petitioner has been nominated as an accused on the basis of the supplementary statement suffered by the

complainant. The allegation against the petitioner is that he with an intention to kill the complainant and his father fired three shots with his illegal pistol out of which one shot hit on the chest of his father and the rest of the shots of the pistol passed over his head, which is suffice to infer that there was an intention on the part of the petitioner to kill the complainant and his father. Thus, he does not deserve the concession of regular bail at this stage.

4. **Analysis & Conclusion**

The present FIR stands registered under Sections 323/307/148/149 of the IPC and Sections 25, 27 of the Arms Act, on the basis of statement suffered by the complainant. As per medico legal report, injured suffered three injuries out of which injuries No.1 & 2 has been declared grievous and injury No.3 i.e., fire-arm injury, which has been attributed to the present petitioner has been declared dangerous to life. Hence, Section 307 of IPC, 1860 is made out against the petitioner. Keeping in view of the role and attribution to the present petitioner, he does not deserve the concession of regular bail at this stage.

As far as the contention of learned counsel for the petitioner with regard to the fact that the case of the petitioner is also similarly situated with that of his co-accused persons, who has already enlarged on regular bail by this Court, is concerned, the role attributed to them are only of that they were alleged to be a member of MOB only, whereas the injuries which have been declared grievous and dangerous to life has been attributed to the present petitioner.

Moreover, the custody suffered by the present petitioner is very less i.e., 3 months 29 days as of now. No doubt challan stands presented on 12.08.2024, none of the witness has been examined out of total 18, which is

sufficient for this Court to infer that in case the petitioner be released on regular bail there is every possibility he will hamper with the investigation or threaten the witnesses.

The Court while considering the bail petitions is conscious that personal liberty has to be weighed and balanced with societal/public interest at large, and ensure that the course of justice is not thwarted by the powerful and influential accused persons.

In view of the discussions made hereinabove, this Court does not deem it a fit case to enlarge the petitioner on regular bail at this stage. Hence, the present petition stands dismissed.

13.11.2024

Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No