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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-64919-2023
Date of decision : 09.01.2024

Mahomad Saleem @ Salim Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Karandeep Singh, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of pre-arrest bail in FIR No.155 dated 05.12.2023, registered for the offences punishable under Sections 452, 435, 511, 427, 148 and 149 of IPC at Police Station Sadar Jalalabad, Tehsil Jalalabad West, District Fazilka.
2. Counsel for the petitioner relies upon the order whereby co-accused Gurlal Singh stands admitted to regular bail.
3. FIR came into being on the statement made by one Charanji Singh son of Shambu Singh, alleging as under:-

“Stated that I am resident of above said address and I am running a saloon at Bagge Ke Uttarh. I have monetary dispute with Gurlal Singh son of not known resident of Village Dhandi Qadim and Ashok Singh son of Surjit Singh resident of Village Tariya. Before this many times panchayats were held but the above said persons refused from the decision of Panchayat. It will 2 PM that I alongwith

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my brother Rakesh were doing the hair cutting at our saloon that Gurlal Singh son of not known resident of Village Dhandi Qadim, Saleem son of not known resident of Jalalabad, Sukhwinder Singh @ Happy son of Inder Singh resident of Tariya and 10/15 unknown persons were came into my shop. Upon entering into my shop they break the mirror of my shop. Gurlal Singh entered into the kitchen built in my shop and brings the gas cylinder in my shop. They break down the mirror of my shop and also break the other material present in my shop. He sprayed the bottle of patrol in the shop and we were stopped him and also snatched the litter from his hand. If we will not do this, he will burn our shop. Saleem brought out a knife from his pocket and gave the blow of the same on Jaspal Singh son of Darshan Singh resident of Boorwale, who is working at our shop, the same was hit on his left hand. Upon raising a clamour, many people were gathered there and the above said persons fled away from the spot. I have recorded my statement to you by coming in Police Station, which is read over to me and is correct. Action be taken against them. xxx”

4. As per the law laid down by the Supreme Court in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1**, seriousness of allegations is one of the prime considerations while considering the bail plea.

4. Keeping in view the mode and manner in which the petitioner and co-accused have created ruckus and have put shop of the victim on fire and inflicting sharp edged injuries, this Court does not find this to be a case for discretionary view for pre-arrest bail.

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5. Resultantly, the present petition is dismissed.

(PANKAJ JAIN)
JUDGE

09.01.2024

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No