

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M-58-2024
Date of decision : 05.01.2024

Anil Kumar Sharma Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.214 dated 19.10.2023, registered for the offences punishable under Sections 323, 324, 506 and 34 of IPC (Section 307 of IPC added later on) at Police Station Division No.6, District Jalandhar.
2. FIR was registered on the statement made by victim alleging as under:-

“I am a resident of the said address and I am doing duty as a salesman in Dee Mart, Guru Mission, Jalandhar near Grand Walk Shoes Showroom, where I have been working for about 2 years. Total staff including 12/13 boys and girls are working there out of which Anil Sharma age about 58 keeps grudge with me without any reason. When I go to work I take my tiffin prepared at home. Yesterday, on

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17.10.2023 I went to my work place from home as usual. Around 10.30 AM in the morning I was going to my Showroom via Model Town route on my motorcycle Brand CT 100 motorcycle PB08-AV-4112 Color black. Before reaching the showroom when I was buying Center Fresh Tophies from a shop on the road and my attention was towards the shop keeper, and I about to give him the money then Anil Sharma, resident of 12 Jallowalwadi, Model House, Jalandhar accompanied by two three accomplices whose names I do not know nor I had seen them before, came. Anil Sharma was holding an iron knife with plastic handle in his right hand. The three or four unidentified boys who came with him had their faces were covered with handkerchiefs. They shouted that, they would not let me go today and that I may not go unhurt today. Then Anil stabbed me three times on the right side of my stomach. I fell down unconscious. He sat on me and stabbed me near my right ear. I screamed loud save-save. The passersby saved me from them. After saving myself from them I started my motorcycle with great difficulty and left the spot. I called my friend Prince on the spot through somebody. He took me in an injured condition to Civil Hospital Jalandhar for treatment. A doctor treated me and issued an MLR. As I was seriously injured I was admitted in the civil hospital by the doctor. Yesterday, when I spoke I had pain in my chest due to which I could not make my statement yesterday. The attacker, Anil Kumar Sharma, with the help of his three-four unknown accomplices has attacked me with the intention to kill. They have inflicted severe injuries on me with sharp edged weapon.

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Appropriate legal action may be taken against them.
I have made this statement in the presence of my wife, Mrs. Rajwinder Kaur. I have read/heard my statement which is correct.”

3. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1**, the Court while considering his prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by mala fides, nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.
4. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail, yet seriousness of allegations is one of the prime consideration.
5. There is a specific role attributed to the petitioner for having stabbed victim three times in a stomach. In view of serious allegations, this does not appear to be a fit case to grant extra ordinary relief of anticipatory bail to the petitioner. Consequently, the same is dismissed.
6. Needless to say nothing recorded hereinabove should be construed as expression on merits of the case.

(PANKAJ JAIN)
JUDGE

05.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No