

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-14385-2015

Date of decision: 20.5.2015

Bijender alias Mota

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.SK Jindal, Advocate for the petitioner

Ms.Trishanjali Sharma, AAG, Haryana assisted by
SI Bhagat Singh

SNEH PRASHAR, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case First Information Report No.42 dated 24.1.2015 registered under Sections 147, 149, 323, 343, 506 of the Indian Penal Code at Police Station Kundli, District Sonipat.

The accusation against the petitioner is that he alongwith other accused kidnapped complainant Krishan Kumar and gave beatings to him and also caused burnt injuries on his body parts with cigarettes. They also tried to kill him by strangulating.

The submissions made by Mr.SK Jindal, Advocate representing the petitioner and Ms.Trishanjali Sharma, Assistant Advocate General, Haryana appearing for the State have been heard.

It is submitted by learned counsel for the petitioner that he was not named by the complainant in his first statement made before the police, on the basis of which the First Information Report was registered. Later on, as an afterthought in his supplementary statement, made after ten days the complainant named three more persons as the kidnappers including the present petitioner. In his first statement and the supplementary statement there are several material contradictions. The injuries suffered by the complainant were simple abrasions and Section 307 of the Indian Penal Code is not attracted in the instant case. Submitting that nothing is to be recovered from the petitioner, learned counsel prayed that benefit of anticipatory bail be given to the petitioner.

Learned State counsel opposed the prayer of the petitioner and submitted that the petitioner and his co-accused caused fourteen injuries including cigarette burns on the complainant. Some of the injuries have been declared dangerous to life as per the notes of the doctors of Sir Ganga Ram Hospital, New Delhi. Challan against two other accused has already been presented and the petitioner is absconding.

The complainant is a young boy aged 22 years. As stated by the complainant in his supplementary statement he was admitted in PGIMS, Khanpur on 23.1.2015 and on 24.1.2015 at about 8.30 AM due to multiple injuries on his body, he was referred to PGIMS, Rohtak,

where he stayed upto 5.00 PM and on the same day, he was admitted in Sir Ganga Ram Hospital, New Delhi, where he remained admitted in ICU upto 1.2.2015. In his supplementary statement, he had specifically named the petitioner for causing injuries and committing other wrongful acts with him.

Keeping in view the gravity of offence and as argued by learned counsel for the State that the custodial interrogation of the petitioner is necessary, in the considered opinion of this Court, no case for grant of bail to the petitioner is made out and as such, the present petition being devoid of merit is dismissed.

20.5.2015
gsv

(SNEH PRASHAR)
JUDGE