

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-41090 of 2015

Date of decision: December 08, 2015

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.K. Yadav, Advocate for the petitioner.
Mr. Arun Luthra, AAG, Haryana.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Section 323, 452, 506 read with Section 34 IPC and later on added section 307 IPC at Police Station Sadar Narnaul, District Mohindergarh, vide FIR No.269 dated 27.9.2015.

Learned counsel for the petitioner submits that petitioner has nothing to do with the alleged offences and he has been implicated falsely in the present case due to political rivalry in the village. He submits that the alleged offences are not made out against the petitioner as there is delay of ten days in lodging the FIR. Thus, petitioner deserves the concession of pre-arrest bail.

Prayer has been opposed by learned State counsel on the ground that allegations against the petitioner are serious. He submits that petitioner inflicted knife blow in the stomach of complainant and on receipt of medical examination report, offence under section 307 IPC was

added. Thus, custodial interrogation of the petitioner is necessary for effecting recovery of weapon.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged by Surender Kumar stating that on 17.9.2015 at about 8.15 P.M., when he had been coming from fields after harvesting the *Bajra* crop to the shop of Yogesh. He met Rahul (petitioner herein), who was in a drunken state and asked him to give his house situated at Narnaul on rent to him. When he refused, petitioner started abusing him. In the meantime, another shopkeeper Sadanand also reached there and rescued the complainant. Thereafter, petitioner came to house of the complainant and knocked the door. When complainant opened the doors, petitioner gave knife blow in his stomach. Complainant was taken to Civil Hospital, Narnaul by his brother, from where he was taken to S.M.S. Jaipur. On 18.9.2015 Rahul came to the complainant and threatened him that he should compromise the matter, otherwise he would face dire consequences.

Keeping in view nature of allegations and gravity of offence, petitioner is not entitled to concession of pre-arrest bail. Custodial interrogation of the petitioner may be necessary to take the investigation to its logical end and effecting recovery of weapon of offence. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

December 08, 2015
'Rajpal'