

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

**Criminal Misc.No.M-44411 of 2014
Date of Decision: February 05, 2015**

Sunny Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Arvind Kashyap, Advocate,
for the petitioner.

Mr.Kapil Aggarwal, Addl.AG, Haryana.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner, Sunny Kumar, who has been booked for having committed the offences punishable under Sections 148, 186, 307, 323, 332, 353, 356, 380, 448, 457, 506 and 511 read with Section 149, IPC, in a case arising out of FIR No.86, dated 15.04.2014, registered at Police Station, Pinjore, District Panchkula.

Learned counsel contends that the name of the petitioner did not figure in the FIR registered at the behest of Jugal Kishore, the owner of the hotel; the petitioner was not present at the spot and that at a later stage, he has been falsely implicated in the present case; even if the allegations levelled in the FIR and the subsequent material emerging on record are

taken at its face value would reflect that the petitioner had caused an injury by way of kick blows on the person of ASI Mange Ram.

On the other hand, learned counsel for the State, after going through the police file brought by SI Kashmir Singh, CIA Staff, Panchkula, submits that in the statement recorded under Section 161, Cr.P.C., of ASI Mange Ram on the very next day of the occurrence it has come that the petitioner had caused injuries on the person of ASI Mange Ram; even otherwise with the aid of Section 149, IPC., the culpability of the petitioner is well established. It has also been contended by learned counsel for the State that there was no plausible reason for the petitioner to remain present at the place of occurrence at 11.00 p.m and as such, he prays for dismissal of the present petition.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

It has specifically been stated by ASI Mange Ram in his statement recorded under Section 161, Cr.P.C., that on 14.4.2014 at about 11.00 p.m ASI Mange Ram along with fellow police officials reached at the spot then the co-accused of the petitioner exhorted *lalkara* to cause injuries to him and thereafter, the petitioner and others caused injuries by means of gandsi, danda and kick blows to him.

At this stage, learned counsel for the petitioner contends that Jaspreet Singh, co-accused of the petitioner has already been granted the concession of anticipatory bail.

The consideration before this Court is that it has specifically come in the statement of ASI Mange Ram that the petitioner had participated in the occurrence.

No ground for grant of the anticipatory bail to the petitioner is made out.

Dismissed.

February 05, 2015
seema

(Naresh Kumar Sanghi)
Judge