

**Sr. No. 208
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M- 40996 of 2015
Date of Decision: 16.02.2016**

Sanjeev

...Petitioner

Versus

State of Haryana and another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

Mr. Rohit Rana, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.84 dated 17.03.2015, under Sections 323, 325, 307, 341, 506, 34 of Indian Penal Code, registered at Police Station NIT Faridabad, Haryana.

FIR came to be registered on the statement of Gurdeep Singh. Occurrence is stated to be of 17.03.2015.

As per complainant's version, he was proceeding on a scooter and a Scorpio vehicle came from behind and struck the scooter on account of which he fell down. Accusations are that from the Scorpio vehicle, four persons came down out of which one whom the complainant recognized as Dinesh Pandit. The rest three, the

complainant stated that he did not know. Further allegations are that Dinesh Pandit struck a hammer blow on the left leg of the complainant and the rest three also gave hammer blows on the left arm of the complainant. Motive attributed is that the complainant had already got registered FIR No.03 dated 03.01.2015, under Section 384 IPC at Police Station NIT, Faridabad and in which Dinesh Pandit was an accused and was arrested. Dinesh Pandit and his friends were threatening the present petitioner to withdraw such case.

Name of the present petitioner does not even figure in the FIR. He is sought to be implicated at the disclosure statement of main accused, namely, Dinesh Pandit. Assuming the present petitioner to be one of the three companions of Dinesh Pandit, the role attributed is of having given a hammer blow on the left arm of the injured/complainant Gurdeep Singh. The offence under Section 307 IPC has been cited not on account of the injury suffered on the arm but on account of the serious injury inflicted on the left leg of the complainant Gurdeep Singh which ultimately led to amputation of the left leg which has been categorically attributed to main accused Dinesh Pandit.

On 04.12.2015 while issuing notice of motion, the following order was passed by this Court:

“Learned counsel submits that the application had been dismissed only on the ground that the factum regarding filing of the first petition had not been disclosed by the petitioner. He refers to order dated 07.11.2015, Annexure P-5 to state that the complainant was present in the Court on that hearing and had submitted that the

real culprits were not being arrested by the police and was supporting the petitioner.

Notice of motion, returnable for 16.02.2016.

In the meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on bail to the satisfaction of the arresting/investigating officer subject to the conditions laid down in section 438 sub section 2 clauses (i)(ii) and (iii) of the Code of Criminal Procedure.”

Even during the course of hearing today, complainant is represented through counsel and would submit that it was not the present petitioner who had assaulted the complainant/injured.

State counsel would apprise the Court that the petitioner has since joined investigation.

In view of the circumstances noticed here-in-above, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 04.12.2015, passed by this Court, is made absolute.

Disposed of.

16.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**