

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

CRM-M-43816-2017

Date of decision:-15.12.2017

Rajat

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Alok Mittal, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner - Rajat, an accused in FIR No.0142 dated 4.7.2017 for offences under Sections 148, 149, 307, 323, 324, 506 IPC, registered with Police Station Yamuna Nagar, Sadar.

Briefly stated facts of the case as per prosecution story are that on 3.7.2017 Rajat having a knife attacked Sohiti hitting him on left side of kidney, thereafter Shubham having a *gandasi* attacked Sohiti hitting him on back side; that the second blow given by him hit Sohiti on left arm, then Shubham attacked Sohiti with *gandasi* on his head with an intention to kill, however Sohiti had raised his hand to ward off the blow

and *gandasi* hit him on right hand fingers; then Narender Kumar having a *gandasi* attacked Sohith hitting him on front side of chest; that Suraj having iron rod hit Sohith on right leg, whereas Shiv also having iron rod hit Sohith on nose; that Sagar and Ankit also attacked Sohith with wooden pieces causing him injuries on back side; that Faizal and Seema attacked Sohith giving him fist and leg blows; that several people gathered at the spot on hearing alarm by the injured and the complainant and on seeing them coming to the spot, the accused left the place of occurrence with their respective weapons. The injured was taken to CHC, Naharpur, however, keeping in view his serious condition, he was referred to General Hospital, Yamuna Nagar from where he was referred to PGI, Chandigarh. However, Sohith was admitted in Gaba Hospital for treatment. Formal FIR for the offences under Sections 148, 149, 323, 324, 307 and 506 IPC was registered against the accused.

Apprehending his arrest in this case, petitioner - accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court of learned Additional Sessions Judge, Yamuna Nagar at Jagadhri vide order dated 18.10.2017. As such, he has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which is being represented by State counsel.

I have heard learned counsel for the parties besides going through the record and I find that the petition is doomed for failure.

As per the prosecution case, petitioner Rajat along with his accomplices/co-accused while armed with dangerous weapons had

attacked an innocent person without any provocation causing him multiple injuries and some of the injuries inflicted were found to be dangerous to life. Though the petitioner has joined the investigation during the period of interim bail was granted to him but as submitted by learned State counsel, he has not rendered cooperation and come up with all the facts within his knowledge and in that way his custodial interrogation is found to be necessary. Though learned counsel for the petitioner has contended that the injuries attributed to the petitioner were in fact not found to be there during medico-legal examination. But then as is a matter of common knowledge that the FIR is often lodged in hurry and it may not contain the minute and precise details of the incident. It is only during the investigation that such details come out. As such the petitioner cannot take advantage of contents of the FIR in an attempt to falsify the prosecution story.

I conclude that allegations against the petitioner are quite serious and grave. In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being

carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

15.12.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No