

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25476 of 2018
Date of Decision: 05.07.2018

Saurabh Bhardwaj @ Shanti Pandit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.K. Kaushik, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana..

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 167 dated 15.04.2018 registered for offences punishable under Sections 148/149/323/341/307/365/511/506 of Indian Penal Code, at Police Station Baldev Naga, Ambala, District Ambala.

Heard.

As per case of prosecution, complainant-Amit Kumar alongwith his friends, namely, Gagandeep Singh, Tushar Arora and Piyush Gulati had gone to attend ring ceremony of his friend, namely, Chetan Narang in Shagun Palace, Ambala City. Petitioner alongwith Krishan Walia, Prateek Chaudhary, Abhishek Sharma @ Channi, Rohit @Vishnu and Lalit was also present there. While dancing an altercation ensued as Krishan Walia and others had abused complainant side. However, the matter was sorted out with the intervention of guests/relatives. Thereafter, complainant alongwith his friends including Gagandeep Singh proceeded

towards Prem Nagar in their car as vehicle of Gagandeep Singh had been parked at showroom of Tushar Arora. When they took turn towards Polytechnic *chowk*, Prem Nagar, petitioner alongwith other co-accused followed them in two Swift cars. At about 12.15 midnight, when complainant reached in front of gate no. 1 of Sector 7, their car was stopped by parking Swift car bearing no. 9091 in front of their car. Krishan Walia, Prateek Choudhary, Rohit @ Vishnu and Abhishek Sharma @ Channi armed with iron rods accompanied by Lalit and 3/4 other boys having *dandas* opened doors of car of complainant and dragged them outside. They gave blows with iron rods and *dandas* to complainant and others. Rohit @ Vishnu gave a fist blow on nose of complainant, who fell on the ground. Then all of them attacked Gagandeep Singh, who suffered injuries on his head, legs and various parts of body. Tushar Arora and Piyush Gulati were also caused injuries. Assailants also tried to kidnap complainant but they raised *raula* at which assailants left the spot.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Gagandeep Singh was under the influence of alcohol at the time of his medical examination. Though, petitioner was present at the function of ring ceremony but he was not present when the occurrence took place.

Learned State counsel submits that the petitioner has been specifically named in the FIR and attributed injuries. Gagandeep Singh had suffered serious injuries and remained in hospital. Even today he is not in his full senses due to injuries suffered by him.

On giving a careful thought to submissions of learned counsel for the petitioner, learned State counsel and taking note of all the facts of

case, I am of the considered opinion that it is not a fit case to extend the benefit of pre-arrest bail to petitioner at this stage. The incident had taken place during night hours and injuries were caused to Gagandeep Singh, complainant and other persons. Recovery of weapon is yet to be effected for which custodial interrogation of petitioner is also required.

Keeping in view above facts, the instant petition has no merit and the same is dismissed.

July 05, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No