

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-760-2020

Date of Decision: 20.01.2020

Manish Kapasia

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepinder Singh, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.553 dated 21.09.2019, under Sections 148, 149, 323, 325, 506 and 379-B IPC and Section 25 Arms Act, 1959, registered at Police Station Ballabgarh City, District Faridabad (Haryana).

The FIR in the present case was registered on the statement of Surender Yadav, wherein it was stated that on 20.09.2019 at about 10:30 a.m., his younger son Deepanshu and his friend Ankit were coming from DAV School, Ballabgarh to Ahirwara for their homes. When they reached in front of the temple, then Akshat, Deepak @ Tota, Aryan, Manish Kapasia and other 3-4 boys, who were holding dandas in their hands stopped both of them and started giving them beatings. On hearing their noise, the nearby people gathered there and the aforesaid accused ran away from the spot with their dandas. The victims told the complainant about the entire incident and after that the complainant called Ankit's father Bijender Singh and they

went to chowki for filing a complaint. Thereafter, they met school's Principal and apprised the entire incident and the Principal called Akshat and his parents, where Akshat admitted that he had called other persons. Thereafter, the complainant called his elder son Bhupender on phone while and he was waiting for him at Hooda Confectionary, at that time, Vikrant @ Bakra and Ankush came there and finding Bhupender alone, they called other persons. They came in one car and three motor cycles. All the accused persons were armed with iron rods, dandas and two boys were armed with country made pistols and they assaulted Bhupender with an intention to kill him. He fell down on the road and all the accused persons gave him severe beatings. They tried to put complainant's son in their car and were saying that they would take him to some deserted place and kill him. In the meantime, the complainant and Bijender reached the spot. All the accused persons snatched ₹8,000/- from the pocket of his son and ran away in their vehicles with their respective weapons. On these broad allegations, the present FIR was registered.

Notice of motion was issued on 10.01.2020.

Learned counsel for the petitioner contends that the FIR relates to two alleged occurrences, which took place on the same day i.e. 20.09.2019 and in the first occurrence, though the name of the petitioner is mentioned, however, in the said incident, no injury was caused to Deepanshu (younger son of the complainant) and Ankit. He submits that in the second incident, it is alleged that co-accused Vikrant @ Bakra and Ankush along with other unnamed accused gave beatings to Bhupender (elder son of the complainant), but in that incident, name of the petitioner is not mentioned.

On the other hand, learned State counsel assisted by ASI Raj Singh has opposed the pre-arrest bail on the ground that the motive is attributed to the petitioner. It is pointed out that victim-Bhupender had suffered fracture on leg.

Considering the nature of the offence and without meaning any expression of opinion on merits of the case, this Court does not find it a fit case for grant of pre-arrest bail to the petitioner.

The petition is dismissed.

20.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No