

CRM-M-4955 of 2020 (O&M)

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

CRM-M-4955 of 2020 (O&M)
Date of Decision: 04.02.2020

Rajiv Kumar

...Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Abhayjeet Singh, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioner – Rajiv Kumar – in case FIR No.19 dated 21.01.2020 registered under Sections 148, 149, 323, 452, 506 IPC at Police Station Pinjore, District Panchkula, Haryana.

According to prosecution, in the evening of 20.01.2020, petitioner along with his four accomplice, forming an unlawful assembly in furtherance of their common intention, armed with deadly weapons like, swords, iron rods, knife, sticks etc. barged into the house of the complainant with intention to kill him and his family members. Reason was that few minutes ago, the complainant had stopped the petitioner and his accomplice from fighting with each other. Complainant saved his life by hiding himself. Assailants initially went off. However, when complainant came outside the house, after vanishing of the assailants from the spot, petitioner and his accomplice came back. On seeing the assailants, parents of the complainant hurriedly closed the doors of the house. Assailants started

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hitting doors of house of the complainant with swords, rods, sticks etc. They tried to enter house of complainant by scaling walls and during this process, they tried to kill parents of the complainant. Entire occurrence was videographed by the people standing outside the house.

Learned counsel *inter alia* contends that no specific role has been attributed to the petitioner. Even he was not named in the FIR. Petitioner was not present on the spot. He has falsely been implicated. No recovery has to be effected from him. Therefore, he is not required for any custodial interrogation. All the offences, except under Section 452 IPC, are bailable.

Considering overall facts and circumstances, this Court is of the firm view that petitioner is required for custodial interrogation for effecting recovery of deadly weapons from him. Even otherwise, contents of FIR show that petitioner is a person of great criminal ilk, who along with his accomplice trespassed house of the complainant with deadly weapons with an intention to kill him and his family members. Entire incident was videographed by passersby. Thus, it is difficult to say at this stage, that petitioner was not involved in the crime, when he was specifically named by his co-accused Ravinder as one of the assailants with him.

Dismissed.

February 04, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No