

201

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

**CRM-M No.10808 of 2020(O&M)
Date of Decision: 29.06.2020**

Rakesh Malik

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Neeraj Sheoran, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The petitioner has filed present petition being aggrieved of order dated 7th March, 2020 passed by the Additional Sessions Judge, Panipat rejecting the prayer for anticipatory bail in FIR No.813, dated 14.12.2019 registered at Police Station Samalkha, District Panipat for the offences punishable under Sections 307, 120-B and 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959.

The FIR was registered at the instance of Surender S/o Roopchand. It is alleged that on 14th December, 2019 at around 5:45 P.M., when the complainant and his brother were on the way back

home, two persons came on motor cycle and stopped in front of them. The pillion rider alighted from the motor-cycle and shot in the chest of brother of the complainant. The complainant and his brother ran away while they were being threatened. The claim is that the complainant can recognise both the persons. It is alleged that a attempt on life was also made on them previously by Prasoon @ Lamboo and his companions, for the same case is pending.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR and in the disclosure statement of Anchal, his name surfaced. He further relies upon Annexure P-1 i.e. air ticket and passport endorsement to state that he was outside India from 12.12.2019 to 24.12.2019.

Learned State counsel opposes the prayer stating that the petitioner is running a gang and as per disclosure statement of Anchal, he is an active member of gang of Prasoon @ Lamboo for several years, as also an active member of gang of Rakesh (petitioner). It is stated that it was a case where complainant and his brother who are wine contractor refused to pay the gratification and were attacked upon. He buttresses his argument stating that petitioner is also a co-accused in FIR No.416 of 2018 which was registered when the brother of the complainant was attacked earlier.

Heard rival contentions. There are certain discrepancies vis-a-vis disclosure statement and dates mentioned in the passport and tickets of the petitioner but considering the arguments, the petitioner may not have physically executed the attack, yet it is the

case where custodial interrogation is required.

Considering the allegations in the disclosure statement and the fact that complainant stated in the FIR that he is in position to recognise both the persons who came to attack, it is not a fit case for grant benefit of pre-arrest bail.

Dismissed.

It is clarified that nothing stated hereinabove shall be construed as observation on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

June 29, 2020
pankaj baweja

- | | | |
|-------------------------------|---|---------|
| 1. Whether speaking/ reasoned | : | Yes/ No |
| 2. Whether reportable | : | Yes/ No |