

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

CRM-M-11389-2020 (O&M)

Date of Decision: July 21, 2020

Jai Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.S.Jaswal, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Dr. Anand Kumar Bishnoi, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.260 dated 21.10.2019, under Sections 147, 149, 323, 506 IPC, 1860, and Sections 148, 325, 302 IPC (added later on), registered at Police Station, Bawal, District Rewari. The petitioner apprehended his arrest at the hands of police in the above FIR.

The above FIR was registered at the instance of complainant Dinesh s/o Rohtash Singh who stated that he was resident of Nauchana. They had previous enmity with Rakesh s/o Hazari Singh. On 21.10.2019 at about 6.30 p.m., Rakesh s/o Hanuman, Krishan s/o Jai Singh, Naresh s/o Jai Singh, Praveen s/o Raju, Navin s/o Raju, Bajrang s/o Satyavir, Rampal s/o Mahinder, Babloo s/o Ram Avtar, Hanuman Singh s/o Hazari Singh, Jai Singh s/o Hazari Singh residents of Naichana alongwith 5/7 other persons

armed with Lathies, iron rods, Farsa came near to their house and started hurling abuses on them. On hearing the noise, when he alongwith his father came out of the house, then Rakesh, Krishan, Naresh, Parveen and Navin suddenly launched an attack on them and gave lathi, rod and danda blows upon his father, who got injured and fell down. On hearing their cries when Ajay, Shamsher, Suresh and Asha Devi came out, the accused attacked on them also. All of them suffered injuries and when villagers and neighbours collected there, the accused fled away. Later the villagers reached and took his father, Shamsher, Ajay and Suresh to the hospital.

Subsequently, injured Rohtash son of Ram Nath succumbed to the injuries suffered in the above occurrence and the police through DDR No.23 dated 22.10.2019, added offences punishable under Sections 148, 325 and 302 IPC.

Learned counsel for the petitioner contends that as per prosecution, only five persons had caused injuries to the victim and the petitioner did not cause any injury to the victim. He submits that the case of the prosecution set up against the petitioner is identical to his co-accused, namely, Hanuman and Rampal, who have been granted the concession of regular bail vide order dated 22.06.2020 passed by this Court in CRM-M-10349-2020. He submits that the custodial interrogation of the petitioner may not be necessary and, therefore, he be released on pre-arrest bail.

The prayer is opposed by the learned State counsel assisted by SI Madan Lal, who has apprised the Court that the petitioner was present at the spot when the occurrence took place. He has invited the attention of the Court to the MLR of the petitioner, which is appended with the petition as Annexure P-8, which shows that the petitioner also suffered injuries. He

submits that the offence is serious and, therefore, the petition be dismissed.

After hearing the learned counsel for the parties, this Court finds that the petitioner was not only named in the FIR, but he also suffered injuries in the said occurrence. According to the prosecution, the petitioner was armed with a danda, who gave a danda blow on the head of the deceased and in this regard, statement of prosecution witness Asha under Section 161 Cr.P.C. was recorded on 25.12.2019. He submits that the supplementary statement of the complainant was also recorded on the same day. Therefore, considering the serious nature of the offence and the fact that the case is founded on the statements of eye-witnesses, it is not a fit case for extending extraordinary concession of pre-arrest bail to the petitioner as his custodial interrogation may be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for grant of concession of pre-arrest bail.

The petition is dismissed.

July 21, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No