

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

Crl. Misc. M-15996 of 2020
Date of decision: 21.09.2020

201

Hakikat Rai

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rahul Vats, Advocate,
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

(Proceedings are being conducted through video conferencing
as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
read with Section 482 Cr.P.C for grant of anticipatory bail to the petitioner
in FIR No. 124, dated 29.04.2020 under Sections 323, 341, 342, 365, 506
and 34 IPC, P.S. Sadar Safidon, District Jind, Haryana.

Counsel for the petitioner has submitted that the petitioner has
entered into a compromise with the complainant Prabhjeet Singh (Annexure
P-2) and, therefore, the petitioner is not required as such for further
investigation.

The allegations in the FIR are that the petitioner alongwith
Malkiyat and Azad Singh alongwith one unknown boy had thrashed the
complainant and took him to the Dera of Azad Singh from where he had
been taken to village Sahanpurand and given beatings at the house of the
petitioner, who is a Lamberdar. The anticipatory bail was declined by the
Additional Sessions Judge, Fast Track, Special Court, Jind by noticing that

Section 365 is a non-compoundable offence and the compromise entered into by the complainant-applicant was through influence being used by the petitioner. An affidavit has now been filed by the Assistant Superintendent of Police, Safidon Sh. Ajit Singh Shekhawat in which, it has been mentioned that Azad and Malkiat Singh had joined investigation and were arrested on 06.06.2020. Recovery of Skoda car and weapons used in the commission of crime as such had been made. The petitioner was still at large and had not joined investigation.

The antecedents of the petitioner are also not clean as per the details of the cases registered against the petitioner which are as under:-

<i>Sr. No.</i>	<i>FIR No.</i>	<i>Dated</i>	<i>U/s</i>	<i>Name of Police Station</i>	<i>Remarks</i>
1	29	25.01.08	302, 307, 323, 148, 149 IPC 25 Arms Act	Safidon	Convicted on 18.03.2009
2	278	10/07/12	353, 332, 186, 341 IPC	Safidon	Acquitted on 08.05.2014
3	320	18.07.19	309 IPC	Safidon	Pending Trial

Counsel has mainly as such tried to submit that his conviction as such in FIR No. 29 has been modified by the Appellate Court. However, he is not in possession of the said judgment whereby any benefit has been granted against the conviction under Section 302, 307, 323, 148, 149 IPC read with Section 25 of the Arms Act. The abovesaid FIRs are registered at Police Station Safidon including the trial of proceedings under Section 309 IPC.

Keeping in view the above, this Court is of the opinion that the Additional Sessions Judge, Jind was well justified in denying the benefit of anticipatory bail keeping in view the fact that it is to be granted in exceptional circumstances and not where the antecedents and the background of the petitioner are doubtful. In the present case, it is apparent

that on account of the threat perception which the complainant had been coerced into, a compromise has been entered into, on the basis of which the petitioner now seeks necessary relief. He cannot be placed at a better pedestal with co-accused who had been arrested. The brazenness with which the petitioner has kidnapped the complainant and held him captive and inflicted injuries upon him does not entitle him to the benefit claimed for.

Accordingly, no case is made out for grant of anticipatory bail and the present petition is dismissed.

21.09.2020
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No