

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

CRM-M-17037-2020 (O&M)

Date of Decision : 30.06.2020

Mukesh

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sumit S. Bairagi, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Vivek Goyal, Advocate
for the complainant.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.234 dated 06.06.2020 under Sections 147, 149, 294, 452, 506 and 511 of the Indian Penal Code, 1860 registered at Police Station Sector 32-33, Karnal, District Karnal.

It has been contended by learned counsel for the petitioner that he had some business dealing with the company named as Navjyoti Agro Foods Pvt. Ltd. which was closed as it became insolvent and now insolvency proceedings are pending before the National Company Law Tribunal, Chandigarh. The complainant in the FIR is the Director of Navjyoti Agro Foods Pvt. Ltd., who has alleged that on 06.06.2020 the petitioner along with some other persons had tried to trespass into his house by breaking the door with an intention of killing him and his family members. It is also stated in the FIR that the entire incident has been captured in the camera installed outside the house of the complainant.

Per contra, Mr. Vivek Goyal, Advocate, who has appeared on behalf of the complainant through video conferencing, has brought to the notice of this Court that not only the CCTV footage of 06.06.2020 shows the presence of the petitioner at the spot of occurrence, but also on 16.06.2020 i.e. after lodging of the FIR, the petitioner was seen roaming around the house of the complainant.

On the asking of the Court, Ms. Aditi Girdhar, AAG, Haryana has put in appearance through video conferencing and, on instructions from SI Charan Singh, she has stated that the petitioner has been evading arrest in the case and has not joined the investigation and that he was seen roaming around the premises of the complainant once again on 16.06.2020.

CCTV footage has been shared by the learned counsel for the complainant with this Court via whatsapp, which is also perused by this Court. The presence of the petitioner can clearly be seen in the CCTV footage. The counsel for the petitioner is unable to explain the presence of the petitioner at the spot.

In view of the above, I do not find any merit in the present petition for grant of anticipatory bail to the petitioner and accordingly, the same is dismissed.

However, any observation made herein shall not have any bearing on the investigation/trial of the case at any stage.

30.06.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No