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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

\*\*\*\*

CRM-M-17709-2020  
Date of Decision: 07.07.2020

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Lalit

..... Petitioner

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr. Namit Khurana, Advocate,  
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

**SUDIP AHLUWALIA, J. (ORAL)**

1. This is a petition for anticipatory bail under Section 438 Cr.P.C. filed on behalf of the petitioner in FIR No.61, dated 23.05.2020, under Sections 148, 149, 323, 324, 452, 427 and 506 (Section 326 IPC added later on) of the IPC, registered at Police Station Buria, District Yamuna Nagar.

2. According to prosecution, in the night of 22.05.2020, petitioner along with his father Kushal Pal and other accused namely; Goldy @ Golu, Manga Ram, Kapil @ Dabbut and Lalit, armed with deadly weapons like Sword, Patli, iron rods etc. barged the house of complainant and caused injuries to him and his family members. Amarjit, Satya Devi and Mantari Devi, received three injuries each on their person. Petitioner has been attributed blows on the complainant's wife ostensibly by his iron rod.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has falsely been implicated in the instant case just to settle the personal scores. No recovery has to be effected from the petitioner. He is ready to join the investigation.

4. Ld. Counsel has also drawn attention of the Court to the fact that the co-accused, namely, Manga Ram and Kushal Pal had already been granted bail by a Co-ordinate Bench of this Court in CRM-M-15439-2020 on 01.07.2020.

5. After considering the matter in its complete perspective, this Court is of the opinion that this is not a fit case to grant the extraordinary relief of anticipatory bail to the petitioner. This is so because even assuming that he does not stand on the same footing as the co-accused Goldy @ Golu, whose similar prayer was rejected by a Co-ordinate Bench in CRM-M-16235-2020 on 23.06.2020 and who according to the FIR had been attributed a partly i.e. "sharp edged weapon" blow on the complainant's arm, still the fact remains that the petitioner was an active participant in the occurrence involving criminal trespass in the middle of the night followed by assault on the complainant and his family members. So, even if he himself is not alleged to cause any sharp cutting weapon injury to any of the victims, still the element of common intention of all the accused persons in committing the offences during the course of the occurrence, cannot be overlooked. Furthermore, it needs to be remembered that the co-accused Manga Ram and Kushal Pal had been granted regular bail by a Co-ordinate Bench after they had remained in custody following their arrest. No benefit of anticipatory bail was extended to them, nor the present petitioner appears to be entitled to the same.

6. For the aforesaid reasons, the present petition is dismissed.

**07.07.2020**

*Bhumika*

**(SUDIP AHLUWALIA)  
JUDGE**

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