

CRM-M-20902-2020
Date of Decision :29.07.2020

NareshPetitioner

Versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

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

Mr. Vikas Bhardwaj, AAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.260 dated 21.10.2019, registered under Sections 147, 149, 323 and 506 of Indian Penal Code, 1860 and Sections 148, 325 and 302 IPC added later on, vide DDR No.23 dated 22.10.2019, at Police Station Bawal, District Rewari.
3. As per FIR, Annexure P/1, registered on the application of Dinesh son of Rohtash Singh, deceased, there was old grudge nurtured by Rakesh son of HazariSingh as a result of which at about 6:30 PMon 21.10.2019, Rakesh son of Hanuman, Krishan son of Jai Singh, Praveen son of Raju, Navin son of Raju, Bajrang son of Satyavir, Rampal son of Mahinder, Babloo son of Ram Avtar, Hanuman Singh son of Hazari Singh, Jai Singh son of Hazari Singh along with 5/7 other persons armed with

PUSHPINDER SAINI *lathies*, iron rods, *farsha* came near the house of the complainant and
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integrity of this document

started hurling abuses, that on the complainant and his father going outside the house, they were attacked by Rakesh, Krishan, Naresh, Praveen and Naveen, and inflicted lathi, rod and danda blows as a result of which the complainant's father received injuries and fell down. On hearing the noise of the complainant and his father, Ajay, Shamsher, Suresh and Asha Devi came out, but the accused attacked them also and all of them suffered injuries. Later on when the villagers and neighbours gathered there, all the accused fled.

4. Learned counsel by referring to paragraph No.5 of the reply filed by the State in CRM-M-10349-2020 (O&M), in case titled as Hanuman and another vs. State of Haryana contends that two of the co-accused i.e. Babloo and Parveen named in the FIR have been found innocent in the enquiry conducted by a DSP and that the petitioner being similarly situated as co-accused Parveen is also entitled to be treated as innocent.

5. Learned AAG, Haryana, vehemently opposes the prayer for parity by contending that out of ten accused, two accused namely Parveen and Babloo have been kept in column No.2 on the basis of inquiry conducted by the DSP and finding them innocent, whereas the petitioner and Jai Singh are absconding from the date of incident. Besides in the investigation carried out, the petitioner is found to have inflicted an injury on the head of the deceased with an iron rod and that said iron rod is yet to be recovered.

6. I have considered the submissions of learned counsel for the parties and am of the view that the argument of learned counsel for the

petitioner are without any merit as specific allegations have been levelled in the FIR amongst others against the petitioner of attacking the complainant and his father with lathi, rod and danda blows, whereupon the complainant's father received injuries and fell down. No doubt, the reply filed mentions that Praveen has been found innocent in the enquiry conducted by a DSP but the fact remains that no such finding has been returned qua the petitioner in the inquiry. On the contrary, investigation carried out reveals the petitioner to have inflicted an injury on the head of the deceased with an iron rod and said iron rod is yet to be recovered. Besides, in the absence of the impartial inquiry conducted by the DSP finding the petitioner to be innocent, no benefit can be drawn by the petitioner.

7. In view of the gravity of offence and the injuries inflicted due to which Rohtash Singh, father of the complainant died, no case is made out for grant of pre-arrest bail to the petitioner. Accordingly, the petition for pre-arrest bail is dismissed.

8. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

July 29, 2020
'Amit-Rajesh'

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Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No
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