

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

(Proceedings conducted through video conferencing)

CRM-M No. 23061 of 2020(O&M)

Date of decision: 27.10.2020

Sagar

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Simranjeet Singh, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G. Haryana.

REKHA MITTAL, J.(Oral)

By invoking Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail in anticipation of arrest in FIR No.139 dated 13.05.2020 registered at Police Station Ellenabad, District Sirsa for offence punishable under Sections 147, 148, 149, 307, 323, 324, 326, 341, 506 of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner would argue that in respect of occurrence dated 11.05.2020, case was registered on 13.05.2020 but there is no explanation qua delay of 2 days. It is further argued that one Sagar Balmiki son of Raghuveer resident of ward no.8 near Jain Dharamshala, Ellenabad has been arrayed as an accused but the petitioner is son of Ishwar Singh and his house is behind Gaushala, Ellenabad. The last submission made by counsel is that injured Gurdev Singh is involved in various criminal cases and he was allowed bail for offence under Section 302 IPC in a petition filed recently before this Court.

Counsel representing State of Haryana assisted by Ms. R.K Thind, Advocate, counsel for the complainant has seriously contested plea of the petitioner for grant of bail in anticipation of arrest, a concession to be allowed in exceptional cases. It is argued that petitioner cannot be allowed to take advantage of an error in mentioning his father's name as Raghuveer whereas Raghuveer is grandfather of the petitioner, as has been clarified in order passed by the Court below.

Perusal of allegations raised in the petition would reveal that petitioner has not raised any such plea to dispute his identity. Counsel for the petitioner has not disputed that grandfather's name of the petitioner is Raghuveer and he is resident of ward no.8. In respect of occurrence that took place on 11.05.2020 at about 6 PM, the police received ruqa on 12.05.2020 and thereafter the criminal law was set in motion on the basis of statement made by Sukhdev Singh, brother of the victim as the victim was opined to be unfit to make a statement. There are specific allegations against the petitioner and his co-accused. The victim sustained as many as 11 injuries in the nature of incised wounds. Weapon of offence is to be recovered, therefore, custodial interrogation of the petitioner is required, as such, I do not think it to be a fit case where the petitioner deserves indulgence for grant of bail in anticipation of arrest.

Dismissed.

OCTOBER 27, 2020

'D. Gulati'

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no