

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

Crl. Misc. M-24663 of 2020
Date of decision: 27.08.2020

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Abhishek Kumar @ Rohit

....Petitioner(s)

Versus

State of U.T., Chandigarh

...Respondent(s)

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

Present: Mr. Parminder Walia, Advocate,
for the petitioners.

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

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks anticipatory bail in a petition filed under Section 438 Cr.P.C. in FIR No. 0143 dated 21.07.2020 under Sections 188, 323, 354, 452, 34 IPC, P.S. Industrial Area, Chandigarh.

Counsel for the petitioner has tried to argue that the petitioner is not a resident of Chandigarh as such and has been falsely implicated in the said FIR.

A perusal of the FIR, which was lodged by Nishu, the complainant, would go on to show that the petitioner has been named alongwith two co-accused namely Sonu and Deepu. After a quarrel in the market at the initial stage with the complainant, they had returned later at night to the house of the complainant and abused the mother of the complainant and scuffled with her and tore her clothes. Thereafter, they also scuffled with the wife of the complainant and also tore her clothes

around the neck and also hurt her. It is in such circumstances, the anticipatory bail has also been rightly declined by the Additional Sessions Judge, Chandigarh on 11.08.2020 (Annexure P-2). The Court has also noticed that there is medico legal report of Mrs. Jyoti, wife of the complainant where she has abrasions on the chest area and, therefore, the provisions of Section 354 IPC had been invoked by the investigating agency. The petitioner had also entered into the house of the complainant at night and, therefore, the provisions of Section 452 IPC also have been prima facie rightly invoked. Apart from that, recovery as such of the knife like weapon is also stated yet to be recovered.

Similarly situated co-accused were arrested on 21.07.2020 itself and released on regular bail. The petitioner does not stand on a higher pedestal as such as to why he would be entitled for the benefit of anticipatory bail. He has specifically been named in the FIR, which has been lodged on the next date after the incident had taken place at 11.30 p.m. in night and is supported by the medical evidence of the injured.

Accordingly, this Court is of the opinion that it is not a fit case for grant of anticipatory bail and the same is accordingly dismissed.

Needless to say that anything said herein is only for the purpose of deciding the present bail application and this Court has not opined on the merits of the case.

27.08.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No