

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

CRM-M-28222-2020

Date of Decision: 13.10.2020

SHAMSHER @ SONU

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

Present: Mr. Aakash Dalal, Advocate for petitioner.
Mr. P.P. Chahar, DAG, Haryana.

MAHABIR SINGH SINDHU, J.

This is a petition under Section 438 of Cr.P.C. for grant of anticipatory bail to petitioner in case FIR No.179 dated 01.06.2020 under Sections 323, 506 and 34 of IPC (Sections 325, 307 IPC added later on) registered at Police Station Beri, District Jhajjar.

Photocopy of reply by way of affidavit filed by Vikrant Bhushan, IPS, Addl. Superintendent of Police, Beri, District Jhajjar alongwith annexures are taken on record.

Registry to tag the same at appropriate place.

Above FIR was registered on the basis of statement made by complainant Amit son of Sukhbir Singh to the effect that on 31.05.2020 at about 10:00 PM, his father (injured) after taking meal had gone to guard the fields. At about 12.00 PM, he received a phone call from his father that Nandru son of Dalip along with one unknown person were drunk and giving

beating to him. Upon receiving information, complainant along with his cousin Umesh rushed to the fields and found that his father was lying on ground and both the accused were assaulting him by giving fist & kick blows on his chest, eyes and other parts of the body. On seeing them, the assailants fled away from the spot while threatening the injured with dire consequences and thereafter, he was taken to hospital at Beri, from where referred to PGIMS, Rohtak.

Contentends that petitioner is neither named in the FIR; nor there is any specific attribution against him. It is also the contention that main accused Narender @ Nandru has been granted the concession of interim pre-arrest bail by this Court in CRM-M-25466-2020; thus, petitioner is also entitled for the similar relief.

On the other hand, learned State counsel has opposed the prayer and submitted that injuries in this case have been declared as dangerous to life and petitioner is facing three more criminal cases. Also submits that initially Narender @ Nandru was arrested by the police, but on completion of investigation qua him, he was released on regular bail prior to addition of Sections 325 and 307 IPC, thus, his case is entirely different.

Heard both sides and perused the paper-book.

Concededly, as on today, one of the injures caused to injured - Sukhbir Singh, has been declared as dangerous to life on the basis of opinion dated 05.08.2020 given by doctors at PGIMS, Rohtak, which reads as under:-

“.....As per CR File investigations and management, injuries mentioned in the concerned MLR are dangerous to life in my opinion.”

No doubt, name of the petitioner does not find mention specifically in the FIR, but there are allegations that co-accused Narender @ Nandru along with one other person inflicted injuries to the injured Sukhbir and “this another person” is none else except the petitioner. Moreover, this fact is also been disclosed by above co-accused in his disclosure made to the police during investigation.

So far as the argument that co-accused Narender @ Nandru has been granted the concession of interim pre-arrest bail by this Court is concerned, the same is not helpful to the petitioner for the simple reason that initially the FIR in question was registered under Sections 323, 506 and 34 IPC; co-accused Narender @ Nandru was arrested by the police, but after completion of investigation qua him, he was released on regular bail. Subsequently, after obtaining the opinion from the Doctor on 05.08.2020, Sections 325 and 307 IPC were added and said Narender @ Nandru was granted the concession of interim pre-arrest bail by this Court on 01.09.2020, which is pending for 02.12.2020. Thus, the case of the petitioner is on different footing than that of co-accused Narender @ Nandru.

Also relevant to record here that apart from the present case, petitioner is facing three more criminal cases and details of which are as under:-

- i) FIR No.121 dated 12.04.2020 under Sections 188, 269, 270 IPC and 61 Ex. Act. P.S. Beri.
- ii) FIR No.754/2018 U/s 279, 304-A IPC PS Sadar Jhajjar.
- iii) FIR No.139 dated 08.04.2019 U/S 229-A IPC P.S. City Jhajjar.

In view of the facts and circumstances discussed hereinabove, this Court is of the considered opinion that custodial interrogation of the petitioner would be very much necessary and as such he does not deserve the concession of pre-arrest bail.

Consequently, the petition is dismissed.

The above observations may not be construed as an expression of opinion on merits of the case.

13 October, 2020
rajender

(MAHABIR SINGH SINDHU)
JUDGE

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