

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

(105)

CRM-M-31024-2020

Date of Decision: October 06, 2020

Babu Lal

.. Petitioner

Versus

State of Haryana and another

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Bhargava, Advocate and
Mr. Divanshu Jain, Advocate, for the petitioner.
Ms. Rajni Gupta, Additional Advocate General, Haryana.

Mr. J.P. Sharma, Advocate, for the complainant.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.415 dated 31.12.2019 under Sections 323, 452, 506, 147, 149 IPC and Section 3 of Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Nangal Choudhary, District Mahendergarh.

Learned counsel for the petitioner submits that the allegations which have been alleged against the petitioner in the FIR are false. Learned counsel for the petitioner further submits that the petitioner had given loan to the complainant and it was only when the repayment of the loan was demanded, the present allegations have been alleged against the petitioner as well as his family. Learned counsel for the petitioner further submits that two of the co-accused namely Neeraj Kumar and Rinku have already been granted the benefit of anticipatory bail and another co-accused Hans Raj has

been granted the benefit of regular bail and therefore, the petitioner be also granted the same benefit as has been extended to co-accused Neeraj Kumar and Rinku.

Notice of motion.

Ms. Rajni Gupta, learned Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondents and Mr. J.P. Sharma, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned counsel for the respondents submits that there are serious allegations against the petitioner of inflicting grievous injuries upon the victim and there are further allegations with regard to the conduct of the petitioner molesting the daughter-in-law of the complainant, whose husband is serving in Border Security Force and is manning the Border for nation. Learned counsel for the respondents further submits that the weapon used by the petitioner to cause grievous injuries to the victim is also yet to be recovered.

Learned counsel for the complainant submits that the petitioner is the main accused, who on an earlier occasion also tried to outrage the modesty of the daughter-in-law of the complainant and thereafter, has now inflicted grievous injuries upon the complainant as well as his wife and therefore, the prayer of the petitioner for the grant of anticipatory bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

There are serious allegations which have been alleged against the petitioner including the allegation that on an earlier occasion, the petitioner, in the state of intoxication, tried to outrage the modesty of the daughter-in-law of the complainant, whose husband is serving the nation on the Border. The allegations of inflicting the grievous injuries have also been alleged against the petitioner and the weapon used by the petitioner is yet to be recovered.

The argument of the petitioner that the co-accused have been granted the anticipatory bail/regular bail, hence he also be granted the same benefit is misplaced. There are no allegations against Neeraj Kumar and Rinku with regard to inflicting any injury. Similar is the case of co-accused Hans Raj, who has been granted the benefit of regular bail as there are no allegations of inflicting any injury against co-accused Hans Raj.

Keeping in view the facts and circumstances of this case where, serious allegations have been alleged against the petitioner, his custodial interrogation is necessary so as to unearth the truth and also avoid any interference in the conduct of investigation, therefore, the prayer of the petitioner for the grant of anticipatory bail is rejected.

October 06, 2020

harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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