

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

203

CRM-M-31287-2020.

Date of Decision: 27.11.2020.

Manish Kumar @ Ganja

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Rakesh Gupta, Advocate for petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Mr. D.D. Singla, Advocate for the complainant.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to petitioner in case FIR No.118 dated 20.02.2020 under Sections 148, 285, 308, 323, 325, 341, 379-B, 427 and 506 IPC read with Section 149 IPC and Section 25 of Arms Act, registered at Police Station City Yamuna Nagar.

Learned counsel for petitioner *inter alia* contends that petitioner has been roped in as accused merely on the bald statement of complainant, whereas there is no iota of incriminating evidence against him to create his nexus with the commission of alleged offence. He further urges that no offence is made out against the petitioner as neither he was carrying

any weapon nor any injury either to the complainant or his friend Manish @ Manni has been attributed to the petitioner. He further urges that petitioner is ready to join investigation as and when called upon to do so by the Investigating Agency and, thus, concession of pre-arrest bail may be extended to him.

On the other hand, learned State counsel while assisted by learned counsel for the complainant submits that injury caused to complainant-Surya Pandit with sword attracting Section 308 IPC is attributed to petitioner and apart from that he was instrumental in snatching mobile phone and wallet containing currency notes and Aadhaar Card of complainant and his friend Manish @ Manni. He further urges that petitioner had also fired from his pistol. He further urges that petitioner is habitual offender as he is involved in as many as eight other criminal cases of heinous nature. He further urges that in view of nature of offence committed by petitioner, his custodial interrogation is required to reveal the truth and as such petitioner is not entitled for the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as reply furnished at the instance of respondent-State.

Without commenting anything on the merits of the case, lest it may prejudice the case of either of the parties, allegedly petitioner alongwith co-accused while armed with deadly weapons constituted unlawful assembly and in prosecution of common object of said unlawful assembly inflicted number of injuries on the persons of complainant-Surya

Pandit and his friend Manish @ Manni and further snatched their valuable belongings. Pre-arrest bail to an accused should be granted in exceptional circumstances as a person couched in comparative safety of the pre-arrest bail would certainly not disclose all the facts within his knowledge. In a given situation, custodial interrogation of petitioner is certainly required for complete and effective investigation. In case, same is denied to the Investigating Agency that shall leave many glaring loopholes and gaps, adversely affecting investigation, which is uncalled for. Keeping in view totality of entire scenario and nature of offence, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner-Manish Kumar @ Ganja is dismissed.

(LALIT BATRA)
JUDGE

27.11.2020
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No