

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

CRM-M-3238 of 2021 (O&M)
Date of Decision: March 01, 2021

Aman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manoj Kumar Palwal, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-5478-2021

1. Allowed as prayed for subject to all just exceptions.

CRM-M-3238-2021

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.208 dated 10.03.2020, registered under Sections 147, 148, 149, 323, 427, 452, 506 of Indian Penal Code (Sections 325 and 307 of IPC added later on) at Police Station Mujessar, District Faridabad.

2. Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the present case, as the name of the petitioner has not been reflected in the FIR and the same has come during

the disclosure statement suffered by the co-accused. It is also argued that no injury is attributed to the petitioner herein. It is also contended that nothing is to be recovered from the petitioner and he is ready to join the investigation and cooperate.

3. Notice of motion was issued in the matter, pursuant to which appearance has caused on behalf of the respondent-State.

4. Counsel appearing on behalf of the respondent-State would rely upon a video shared with the counsel for the petitioner, which reflects that the petitioner herein is inflicting an injury with the brick upon the complainant.

5. At this stage, counsel for the petitioner would contend that in fact there is no *danda* in his hand, as noted by the court below, as he was in the process of establishing reconciliation between the parties and the fight is not pre-mediated, which factor is again countered by the counsel for the respondent-State, while submitting that there is an evidence available that he had a *danda* in his hand

6. I have heard counsel for the parties and have gone through the pleadings of the case.

7. Admittedly, the name of the petitioner has not been mentioned in the FIR and his name has come during the course of investigation in a disclosure statement suffered by the co-accused. However, there is CCTV footage available with the investigating agency showing involvement and presence of the petitioner at the spot and inflicting injuries with brick and *danda* in his hand. As per the opinion of the doctor, the injuries inflicted on the person of injured have been found to be dangerous to life. Moreover,

the danda used in the commission of the offence is yet to be recovered from the petitioner. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

8. In view of the above, the instant petition is hereby dismissed.

March 01, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No