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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-3533-2021

Date of decision-18.02.2021

Subhash @ Nanha

...Petitioner

Vs.

State of Haryana

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Rajesh Nain, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

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**MANOJ BAJAJ, J.**

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.322 dated 12.10.2020 under Sections 147, 149, 323, 427 and 506 Indian Penal Code, 1860 (Section 302 IPC added later on) registered at Police Station Uchana, District Jind.

The above FIR was registered on the statement of Birender, who alleged that Santro and Reena, both daughters of Om Parkash were married to him and his younger brother Sanjay, respectively six years ago. On 11.10.2020, both the daughters-in-law had quarrelled with their mother-in-law, however, the matter was compromised. On the same date, at about 7.30 p.m., Reena made a phone call to her mother-Kamla and her brother-Tarsem and conveyed them about the quarrel. On receiving the information,

Kamla, Tarsem along with Pawan (uncle of Tarsem) and his sons, namely, Sandeep and Pardeep, along with other 3-4 persons came in cruiser car at 9.30 p.m., who were armed with wooden sticks and iron rod. The assailants caused injuries to Sanjay and Mohan Lal (father of complainant). Mohan Lal had received iron blow on his head and became unconscious, who was taken to the hospital for treatment. As per the prosecution, Mohan Lal died on 19.10.2020, whereupon the offence punishable under Section 302 IPC was added.

Learned counsel for the petitioner has argued that the injuries suffered by Mohan Lal was attributed to co-accused-Tarsem and the petitioner is not related to the family members of the accused or the complainant, but has been falsely implicated as his vehicle was hired by Tarsem on 11.10.2020. He contends that the petitioner did not participate in the crime, therefore, he be released on anticipatory bail.

On the other hand, learned State counsel assisted by SI Ravinder opposed the prayer on the ground that the petitioner is friend of Tarsem, who brought all the assailants with him in his own vehicle. He has further argued that the petitioner was well aware about the intentions of the co-accused, who were carrying arms with them.

After hearing learned counsel for the parties, this Court finds that as per the prosecution, the presence of the petitioner is found at the place of occurrence, therefore, without commenting upon merits of the case, but considering the seriousness of the offences and allegations, this Court does not find it to be a fit case for grant of extra ordinary concession of pre-

arrest bail as his custodial interrogation may be necessary for effective investigation.

Petition is dismissed.

(MANOJ BAJAJ)  
JUDGE

18.02.2021

vanita

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |