

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

Sr.No.203

**CRM-M No.5661 of 2021
Date of Decision: 01.07.2021**

Partikshik

...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Ankit Aggarwal, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, D.A.G., Haryana
for the respondent.

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MEENAKSHI I. MEHTA, J.

The petitioner herein seeks the relief of anticipatory bail in the criminal case registered at Police Station Indri, Karnal vide FIR No.134 dated 07.04.2020 under Sections 148, 149, 188, 323, 324, 326, 307, 506 IPC and Section 25 of the Arms Act.

The allegations, as levelled against the petitioner in this case, are that he, along-with his co-accused, formed an unlawful assembly and they were armed with weapons like Cutter, Pistol and *Gandasi* etc. and they caused injuries to Sagar, Dilbagh Singh, Ranbir in prosecution of their common object.

Reply, has already been filed by the respondent-State in this petition.

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I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the name of the petitioner does not find mention in the subject FIR and rather, it has been roped in on the basis of the disclosure statements made by his co-accused during their interrogation and the supplementary statement of injured Sagar whereas he (petitioner) was not involved in the alleged occurrence and has, rather, been falsely implicated in this case and therefore, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel has referred to the disclosure statements Annexures R-4, R-5, R-7, R-8 and R-9 suffered by the co-accused of the petitioner named Nishant @ Shivam, Abhishek, Gaurav, Sachin and Shivam respectively in this case and he has pointed out that the name of the petitioner finds specific mention therein as one of the assailants and he has argued that in view of the gravity of the offence as committed in this case, the petitioner does not deserve the relief of anticipatory bail.

As per the version of the above-named injured, they had been attacked by as many as 14-15 persons, who were armed with deadly weapons like cutter, pistol and *gandasi* etc. Though, the name of the petitioner has not been mentioned in the list of the assailants (accused) as given in the FIR but the fact remains that his afore-named co-accused have specifically disclosed in their above-said respective statements regarding his active participation in the alleged crime and rather, in Annexure R-7,

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i.e. the disclosure statement of his co-accused Gaurav, it has been categorically mentioned that he (petitioner) was having an iron-cutter in his hand. Then, in Annexure R-5, i.e. the disclosure statement of his co-accused Abhishek, it has been mentioned that he, along-with the petitioner and Sachin, had gone to the place of occurrence on the motorcycle belonging to the petitioner and in his supplementary statement Annexure R-11, injured Sagar has also mentioned the name of the petitioner as one of the assailants..

It is worthwhile to mention here that though in the said disclosure statements and the supplementary statement Annexure R-11, the name of the assailant has been mentioned as 'Prateek' but in Annexure R-11, the parentage of said assailant 'Prateek' has been mentioned as 'Banish' and he is stated to be the resident of Village Muradgarh and in this petition also, the petitioner has disclosed the name of his father as 'Banish' and also the factum of his being a resident of Village Muradgarh and he has not placed any material on the record to show that the said Banish has any other son named 'Prateek'.

In view of the afore-discussed contents of the disclosure statements of the co-accused of the petitioner, it is explicit that the weapon of the offence, i.e. iron-cutter and the said motorcycle, are yet to be recovered from the petitioner. It being so, the possibility of the requirement of his custodial interrogation for the said purpose cannot be ruled out. Moreover, the veracity of the said statement of injured Sagar, i.e. Annexure R-11, can and shall be looked into and adjudicated upon by the trial Court

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at the appropriate stage after evaluating the evidence that would be led on the record in this regard.

Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed in the present case, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail.

Resultantly, the present petition stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

01.07.2021
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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No