

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)**

**CRM-M- 11358 of 2021 (O&M)
Date of Decision: 12.3.2021**

Sumit and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. P.P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No. 16 dated 22.2.2021 registered under Sections 148, 149, 323, 427, 452, 506 IPC at Police Station Bhupani, District Faridabad.

The facts in brief are that on 21.2.2021 at about 5 p.m, petitioner No. 1, armed with an *axe*, petitioner No. 3 armed with a *sword* and petitioner No. 2 and other four persons armed with *iron* rod and *dandas* attacked the complainant and his brother, namely Jitender, when they were sitting in their office. The complainant received a blow of iron rod on his feet and his brother allegedly received serious injuries. It was alleged that petitioner No.1 took out a revolver from his car and while waving the same in the air threatened to kill the complainant and his family. The petitioners after committing the crime fled from the scene of occurrence.

Learned counsel for the petitioner would contend that the petitioners have been falsely implicated in the instant FIR. In fact, petitioners No. 1 and 2 suffered injuries at the hands of the complainant on 21.2.2021 for which a complaint was lodged by the father of petitioners No.1 and 2 against the complainant and the present FIR is nothing but a counter blast to the said complaint. It is also submitted that there is unexplained delay of 24 hours in lodging of the FIR, which shows the falsity of the version putforth in the FIR. It is also argued that no interrogation of the petitioners is required and therefore, they deserve the concession of anticipatory bail.

Mr. P.P. Chahar, DAG, Haryana, who is present through the medium of video conferencing, submits that the weapons of offence are yet to be recovered and, therefore, custodial interrogation of the petitioners is necessary. It is also submitted that the petitioners have been specifically named by the complainant. It is also argued that Section 325 IPC has also been added in the FIR.

I have heard learned counsel for the parties and have perused the paper book.

In the FIR, there are serious allegations that have been levelled against the petitioners herein. The complainant and his brother have been inflicted multiple injuries, while they were sitting in their office. Even Section 325 of IPC has been added later on by the investigation agency. The weapons used in the commission of offence by the petitioners are yet to be recovered from them. Under these circumstances, once custodial interrogation of the petitioners is required for a result oriented investigation,

this court is not inclined to grant anticipatory bail to the petitioners.

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

However, it is made clear that any observations made herein above have been made only for the purpose of disposal of this petition, which shall have no bearing on the merit of the case.

12.3.2021

prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No