

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

**CRM -M-16608 of 2021
Date of Decision: 22.04.2021**

Vikash Duhan

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajesh Bansal, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

Petition is filed seeking anticipatory bail in FIR No. 44 dated 14.3.2021, under Sections 307 and 365 IPC (later on added Sections 302, 506 and 120-B IPC), registered at Police Station Sadar Panipat.

The brief facts are that the police received a ruqa with regard to injuries sustained by Jai Karan son of Ram Kishan. The statement of Jai Karan was recorded. He stated that on 13.3.2021 after taking liquor, when he reached near poultry farm in village Nimbri, a dog came in front of the motor cycle, as a result of imbalance, he sustained injuries. He was taken to Government Hospital, Panipat from where he was referred to PGI, Rohtak. During the police proceedings, it surfaced that the injuries were sustained by Jai Karan due to a quarrel. On 17.3.2021, supplementary statements along with affidavits were given by the brothers of the deceased

stating that they had seen the petitioner along with co-accused giving beatings to Jai Karan. The police authorities from their secret resources got the information that the wine contractor had abducted Jai Karan and fractured his legs with an intention to kill him. He was thrown at Mohali road near village Nimbri. Jai Karan being frightened and shocked had not given the true picture. The victim died on 24.3.2021.

Learned counsel for the petitioner submits that there was no supplementary statement of the deceased naming the petitioner. There is no evidence with the Investigating Officer with regard to involvement of the petitioner in the incident. It is argued that fractures were below the knees in both the legs and there was no other injuries to substantiate that there was an intention to kill.

Learned counsel for the State opposes the prayer for pre-arrest bail. It is argued that brothers of the deceased had given supplementary statements and affidavits claiming themselves to be the eye-witnesses of the incident. She further submits that out of eight accused, six have been arrested and in their disclosure statements, they have named the petitioner.

The nature of offence and the allegations against the petitioner are serious. For considering the prayer for pre-arrest bail, the role attributed is to be considered. The allegations are that Jai Karan lost his life as a result of the incident. He was abducted and given beatings. As per case set up due to threat perception Jai Karan had not given the true picture and it was only in the supplementary statements of his brothers and the secret information received by the police that other version came forward. In such circumstances, the petitioner being at large and that too when one of the

co-accused is to be arrested, he would be in a position to influence the witnesses.

No case is made out for pre-arrest bail.

The petition is dismissed.

**[AVNEESH JHINGAN]
JUDGE**

22nd April, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |