

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

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CRM-M-19597-2021

Date of Decision : May 17, 2021

PRIKSHIT

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JASGURPREET SINGH PURI

Present : Mr. Yugal Kumar Jamwal, Advocate
for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail in FIR No. 125 dated 8.4.2021 under Sections 148, 149, 323, 324, 326, 307, 120-B IPC registered at Police Station City, Thanesar, Kurukshetra.

As per the FIR which was lodged on the basis of statement of Sanjay Kumar son of Prem Singh, he is a resident of village Kirmach, Kurukshetra and runs some business near Taj Hotel and at his Centre one Abhishek son of Naresh Pal and other boys came to the coaching centre for taking coaching. On 8.4.2021, the aforesaid Abhishek after coaching was going towards Bus Stand from the backside road of the centre at about 1:15 p.m. where he was attacked by 5-6 boys with sticks in their hands and upon hearing the noise when he came down, he saw that all the boys whose names he does not know had covered their faces with a cloth and after beating him mercilessly, ran away from the spot alongwith their weapons on motorcycles. One other boy, namely, Ashwani had taken

him from the spot for treatment to Cygnus Hospital, Kurukshetra, since the injured had suffered injuries on his head, arm and on his legs. Thereafter, he fell unconscious while reaching hospital, where doctors admitted him to hospital upon grave injuries and whose treatment is going on in the said hospital.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case in view of fact that the petitioner was not present at the spot and that he was not recognized. He submitted that it is a purely concocted story of the prosecution and, therefore, merely on the basis of suspicion, the liberty of the petitioner cannot be curtailed.

On the other hand, Mr. Deepak Manchanda, Addl. A.G. Haryana, has submitted that he has received an advance copy of the petition and has also sought instructions of Naresh Kumar, ASI. He submitted that the arguments raised by the learned counsel for the petitioner are wrong on facts. He has submitted that the petitioner was very well a part of the group of 5-6 people who have attacked Abhishek who was seriously injured and the entire incident was captured in CCTV camera in which it can be seen that the petitioner had hit Abhishek on his head with a danda. The learned State counsel further submitted that all the five other accused have been arrested but the petitioner is still on the run and his custodial investigation is required in the present case particularly in view of the fact that the danda used in the crime is still required to be recovered.

Mr. Rajesh Kapila, Advocate has caused appearance on behalf of the injured and has submitted that infact the petitioner was part

of 5-6 people who had attacked him and the petitioner had attacked him with a danda. He also submitted that the entire incident has been captured in the CCTV camera and, therefore, the arguments raised by the learned counsel for the petitioner are not correct.

I have heard the learned counsel for the parties.

On the basis of contents contained in the FIR, although the name of the petitioner has not been figured but infact the name of none of the accused has been figured in the FIR because the allegations were that a group of 5-6 people had attacked Abhishek and ran away from the spot alongwith their weapons and motorcycles. The argument raised by the learned counsel for the petitioner that he was not named in the FIR would not be sustainable because it is during the investigation that the police came to know as to who were the persons and who were involved. Furthermore, as per the submissions made by the learned State counsel the incident has been captured in the CCTV camera from where it can be seen that the petitioner had attacked the injured with a danda blow on his head. A perusal of Annexure P-2, which is the medical record of the injured would also show that he was admitted in Cygnus Hospital and there was 3 cm x 1 cm lacerated wound on frontal lobe and fracture with X-ray of left elbow and C arm. Furthermore, the other five accused have already been arrested and the petitioner is on the run. As per the learned State counsel, the petitioner was identified in the CCTV camera and recovery of danda is yet to be made from him and his custodial interrogation is necessary to dig out the truth of the incident. It is a settled law that a balance has to be struck between the freedom of an individual on one hand and various other factors including the severity of the

offence, the likelihood of the accused fleeing from justice, recoveries to be made pertaining to the alleged offence etc. In the present case, as per the learned State counsel the petitioner was seen in the CCTV camera hitting the injured with a danda and five of the other accused have already been arrested and the petitioner is still on the run and danda is yet to be recovered. Therefore, this Court is of the opinion and without commenting upon the merits of the present case, the petitioner does not deserve the concession of anticipatory bail.

Consequently, the present petition is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

May 17, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No