

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

CRM-M-20185-2021 (O&M)

Date of decision : 20.05.2021

Mukesh alias Bhagra

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ravinder Singh Phogat, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.008 dated 05.01.2021 registered under Sections 148, 149, 323, 325, 307, 452, 506 of the Indian Penal Code, 1860 at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner would contend that the other co-accused, namely, Dharambir, Hem Chand @ Himanshu and Shanker Singh have been released on regular bail and hence on the ground of parity the petitioner may be granted the concession of anticipatory bail. It is further the contention of the learned counsel that the petitioner has falsely been implicated in the case being a neighbour.

Notice of motion.

On the asking of the Court, Mr Sandeep Moudgil, Addl. A.G. Haryana has put in appearance through video conferencing and accepts notice on behalf of the respondent-State. He, on instructions from ASI Om Parkash, has stated that the co-accused have been granted regular bail. It has

further been stated that the petitioner is one of the main accused who had given a rod blow on the head of the injured. It is further contended by the learned State counsel that there are four other FIRs of similar nature pending against the petitioner.

I have heard learned counsel for the parties.

The allegations against the petitioner in the FIR are that on 04.01.2021 at about 09.00 PM, Krishan s/o Dilbagh was sitting in the house of the complainant and was sitting in a room. At around 10.30 PM Dharambir s/o Molu Ram r/o Tosham entered and asked the complainant about Krishan. When he saw that Krishan was sitting inside he loudly called out his accomplices that Krishan is in the house and thereafter his sons Manjit and Kaliya armed with wooden sticks and iron rods in their hands and Bachi s/o Kuli Ram and Mukesh alias Bhagra s/o Rajender (petitioner herein) and 5-7 other young boys armed with hockey sticks and iron palta in their hands entered the house and started beating Krishan. Krishan climbed on the roof top to save himself where Dharambir along with his sons and the other boys gave beating to Krishan and threw him from the roof. Mukesh alias Bhagra (petitioner herein) allegedly gave a rod blow on the head of Krishan. It has also been brought to the notice of this Court that there are four other FIRs of similar nature pending against the petitioner.

In view of the above grave allegations against the petitioner and also the fact that the petitioner appears to be a habitual offender, I do not find this to be a fit case to grant anticipatory bail to the petitioner.

The petition is accordingly dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Dismissed.

May 20, 2021

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NOTE:

(ALKA SARIN)

JUDGE

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO