

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

CRM No.M-20468 of 2021 (O&M)

Date of Decision: June 09, 2021

Dinesh Kumar

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Rajesh Lamba, Advocate,
for the petitioner.

Mr.Gurmeet Singh, AAG, Haryana
for the respondent-State.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the
light of the pandemic COVID-19 situation

Petitioner has filed this petition under Section 438 Cr.P.C. for
grant of anticipatory bail in case FIR No.407 dated 25.12.2020 under
Sections 364, 379-B, 120-B IPC and Section 25 of the Arms Act, Police
Station NIT Faridabad, District Faridabad.

The aforesaid FIR was got registered at the instance of Yogesh
Kumar s/o Phishori Sachdeva. As per the version of the prosecution, the
complainant and his brother, namely, Deepak, indulge in property dealing.
On 25.12.2020, younger brother of complainant, namely, Deepak in his
vehicle bearing registration No. HR51BG2222 had gone to market to eat

food at Kalu Chicken Corner. Thereafter, the complainant came to know that his brother was subjected to beatings. Immediately, complainant reached at Kalu Chicken Corner, where he came to know that his brother was picked up at gun point by four unknown persons in Accent Car bearing registration No. DL.....3802. Thereafter, the complaint called up Gajju, resident of Mujedi on his mobile No.81309-95603 and he handed over the phone to his brother Deepak, who stated to the complainant that he is fine. Then complainant heard a noise of slapping. Then phone was switched off. Gajju was demanding Rs.2,00,000/- from the complainant.

At the very outset, it is submitted by learned counsel for the petitioner that the petitioner has not been named in the FIR. No incriminating role has been assigned to him. Even, alleged victim Deepak had returned home, of his own. Snatching of Rs.40,000/- has been attributed to fellow accused Deepak. Also, it is submitted that though State has stated in the reply about the petitioner to be habitual offender but however, cases which were earlier registered against the petitioner, relate lastly to 2018 and on account of his medical condition, the petitioner, as such, is now not involved in any criminal case after year 2018. As such, a prayer has been made for grant of anticipatory bail to the petitioner.

On the other hand, learned State counsel has refuted the claim of the petitioner. It is submitted that even though, the petitioner has not been named in the FIR, at the first instance, but however, in pursuance of the apprehension of fellow accused namely Pawan, Gujju and Deepak (other than victim), the incriminating role of the petitioner has come to the fore, as all the aforesaid accused had disclosed about the present petitioner to be master-mind of the occurrence in question.

In compliance of the order dated 21.05.2021, State has filed reply, thereby giving the details of involvement of the petitioner in various other cases.

Undisputedly, the petitioner has not been named in the FIR. Also, it is not disputed that victim had returned home of his own and even, amount of Rs.40,000/- stated to have been snatched by fellow accused from the victim. In the reply, it has been specifically mentioned about the fellow accused Gujju, Pawan and Deepak, to have disclosed, during the course of investigation, about the present petitioner, to be main conspirator.

It is evident from paragraph No.9 of the reply, filed at the behest of the State, that petitioner was involved in as many as 8 cases. In the light of the same, custodial interrogation of the petitioner is required, to know about his involvement in the occurrence in question, in view of the disclosure so made by the fellow accused.

Considering the same, at this stage, no exception circumstance is made out for granting anticipatory bail to the petitioner. Consequently, the present petition is hereby dismissed.

(ARCHANA PURI)
JUDGE

June 09, 2021
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No