

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

**CRM-M-20770-2021(O&M)
Date of Decision:25.05.2021**

Nitin Nagar alias Nitin

..... Petitioner

versus

State of Haryana

..... Respondent

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Vikas Kumar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in FIR No. 34 dated 22.02.2021, under Sections 148, 149, 323, 324, 506 and 307 IPC, registered at Police Station Tigaon, Faridabad, District Faridabad.

Counsel submits that it is a case of version and cross version. The occurrence is stated to be of 19.02.2021. Father of the petitioner namely Sumer Singh Nagar had got lodged FIR No.31 on 20.02.2021 itself and wherein members of the petitioner's family had suffered as many as four fire arm injuries. Counsel has adverted to the discharge summary issued by Sarvodaya Hospital and Research Centre, Faridabad at Annexure P-1 to assert that the petitioner herein himself had suffered a gun shot injury on the left hand as also an iron rod blow/injury on the head.

It is further submitted that the complainant namely Jai Kishan Verma does not possess clean antecedents inasmuch as he is a habitual offender and against whom three criminal cases are pending including that of fraud and criminal trespass. Further contended that father of the petitioner has suffered three fire arm injuries in the occurrence. The complainant party was the aggressor and who had committed house trespass. Yet another submission raised by counsel is that mother of the petitioner namely Smt. Saroj Devi Nagar has been granted ad interim protection by this Court vide order dated 19.05.2021 passed in CRM-M-20004-2021.

Having heard counsel at length and having perused the pleadings on record this Court is of the considered view that the petitioner is not entitled to the concession of pre-arrest bail.

The specific allegation against the present petitioner is of having inflicted a knife blow in the abdomen of Jai Kishan Verma, complainant. This allegation stands corroborated by medical evidence and it is on the basis of opinion of the doctor from SSB (QRB) Hospital, Faridabad that offence under Section 307 IPC was added. This would be apparent from a perusal of the order dated 04.05.2021 passed by the learned Additional Sessions Judge, Faridabad declining concession of anticipatory bail to the petitioner.

In view of the serious allegations and gravity of offence it would be a case where custodial interrogation of the petitioner may well be warranted.

Reliance by the counsel upon the order dated 19.05.2021 granting ad interim protection to the mother of the petitioner in CRM-M-

20004-2021 is wholly misconceived. There is no parity in the roles/allegations. Co-accused Saroj Devi Nagar is the mother of the petitioner and to whom no injury was attributed and she was alleged to have been only present at the spot.

This Court finds the order dated 04.05.2021 passed by the learned Additional Sessions Judge, Faridabad (Annexure P-3) declining concession of anticipatory bail to the petitioner to be based on cogent and valid reasons.

No intervention in the same is warranted.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

25.05. 2021
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No