

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32188-2021
Date of Decision: 31.08.2021

BOBY @ VISHAL

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Jatinder Nagpal, Advocate for the petitioner
Mr.Rahul Mohan, Deputy Advocate General, Haryana
Mr.Ashit Malik, Advocate for the complainant

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C.
for the grant of anticipatory bail in FIR No.342 dated 25.05.2021 registered
under Sections 148, 149, 323, 307, 427, 506 IPC at Police Station Camp
Palwal, District Palwal.

Briefly stated, the case of the prosecution is that on 24.05.2021,
at about 4.30 pm, when the complainant was in the vegetable market, Palwal
he noticed 10-15 boys giving beatings to someone as also damaging a
motorcycle. When he reached closer he found that the boy being beaten up
was Vivek, who was his cousin's son. On being rescued, Vivek told the
complainant that his assailants were the petitioner and his co-accused as

also that the petitioner had snatched his gold chain. Thereafter, Vivek lost consciousness.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner was not even present at the spot as on 24.05.2021 he was attending his uncle – Malkhan Singh's *Kirya* ceremony at Kailash Nagar, Ward No.2, Palwal which is at a distance of 7 kms from the place of occurrence; there is also a telephonic conversation between co-accused Rohtash and the petitioner's cousin brother which clearly shows that the petitioner was not present at the spot when the alleged occurrence took place and that the petitioner has no criminal antecedents.

As per the MLR of the complainant's nephew he received severe injuries on his head, suffered a left mandible fracture, a maxilla fracture and a linear non displaced fracture of the left temporal bone. Further, his left hand ring finger was crushed and he also received injuries on his eye lids. The complainant's nephew's medical record further reveals that he had to undergo multiple medical procedures by Orthopaedicians/ Neurologists and that the injuries sustained by him were dangerous to life.

The petitioner is specifically named by the injured-complainant's nephew to be one of the assailants who caused injuries on his person.

In the light of the above serious injuries alleged to have been inflicted by the petitioner and his co-accused, the petitioner does not deserve to be granted anticipatory bail especially, when the weapons allegedly used in the crime are yet to be recovered from him.

The defences raised by the petitioner with regard to his not

being present at the spot are not required to be gone into at the present stage as any finding thereupon would hamper investigation and prejudice the petitioner or the State.

Dismissed.

31.08.2021
gk

(Deepak Sibal)
Judge

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