

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2021/08/27 14:41
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CRM-M-34725-2021

Date of decision : 25.8.2021

Ashu alias Kancha and another

..... Petitioner (s)

Versus

State of Haryana

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vivek Goyal, Advocate
for petitioner (s).

Mr. Surender Singh, AAG Haryana.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This is petition filed under Section 438 C.P.C. for grant of anticipatory bail in FIR No. 216 dated 26.7.2021 registered under Sections 147, 149, 323, 452, 427, 506 IPC (Sections 188, 269, 270 IPC and under Section 51 B of National Disaster Management Act added later on) at Police Station Sector 14, Panchkula.

FIR was lodged on the complaint of one Deepak who stated that Deepak alias Deepu (petitioner No. 2), Kancha (petitioner No. 1), Golu, Lucky and some others attacked his house. They first broke open the door of house of complainant and then they damaged his pulsar motorcycle and also damaged the cooler. It was alleged that there was previous rivalry between complainant and accused. Accused also broke the CCTV cameras which were installed in the house of one Krishna, a neighbour of complainant.

As per prosecution, the incident occurred at night time when restrictions on account of lock down were in force. In view thereof, Sections 188, 269, 270 IPC and Section 51 B of National Disaster Management Act were also recorded. During the course of investigation, statement of Krishna wife of Ashok, a neighbour of complainant, has also been recorded wherein she stated that initially accused entered her house, disconnected the electricity supply so that their presence could not be recorded. They then damaged the CCTV cameras and thereafter entered the house of complainant. The prosecution has recovered the

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damaged motorcycle and piece of bricks from spot.

Learned counsel for petitioner has stated that all the offences against petitioners are bailable except Section 452 IPC. He has argued that present case has been lodged as a counter blast as Parveen (brother of petitioners) is a witness against complainant in a case under Section 302 IPC. He has further argued that there was no specific allegation against any of accused.

It is not possible to accept the contentions of learned counsel for petitioners. The petitioners first switched off light of house of Krishna and thereafter they damaged the CCTV cameras which were installed in the house of Krishna, so that their presence could not be recorded. Thereafter, they broke open the door of complainant and damaged the motorcycle and other articles and threatened the complainant. They were allegedly armed with swords and other weapons. The complainant on account of terror of petitioners and co accused left his house at night.

In these circumstances, no ground is made out to grant anticipatory bail to petitioners.

Dismissed.

(HARINDER SINGH SIDHU)
JUDGE

25.8.2021
sjks

Whether reasoned order : Yes / No
Whether reportable : Yes / No