

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(101)

CRM-M-41399-2021

Date of decision: - 04.10.2021

Surjeet Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view of the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.65 dated 14.04.2021, registered under Sections 148, 323, 324, 326, 341 and 506 read with Section 149 IPC, at Police Station Sadar Rattia, District Fatehabad.

Learned counsel for the petitioner submits that initially, the petitioner was not named in the FIR, but later on keeping in view the supplementary statement of one of the victims, who suffered injuries, the petitioner was nominated in the present FIR. Learned counsel for the

petitioner further submits that as the petitioner is ready to join and cooperate with the investigation, therefore, he may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that as per the statement of the victim Mandeep Singh, petitioner has inflicted grievous injuries upon him with 'iron rod', which is yet to be recovered. Learned State counsel further submits that in the present case, the police party was also attacked when they had gone to arrest the petitioner for which also an FIR has been registered. Learned counsel for the State argues that the custodial interrogation of the petitioner is necessary to recover the weapon used in the incident, who is a habitual offender and there are also other two FIRs registered against him.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the allegations against the petitioner are serious in nature and the victim has given a statement impleading the petitioner as one who has inflicted injuries upon him, which are grievous in nature, the custodial interrogation of the petitioner is very much necessary in the facts and circumstances of present case. Further, it has not been denied by learned counsel for the petitioner that there are other two FIRs pending

against the petitioner, which *prima facie* shows that he is a habitual offender.

Further, this is not a case, where allowing the petitioner to join into investigation and co-operate will achieve purpose of investigation. Even the Hon'ble Supreme Court of India in 'State represented by the C.B.I. Vs. Anil Sharma', 1997(4) R.C.R.(Criminal) 268, has held that in case where serious allegations have been alleged and the truth needs to be elicited from the accused, the same can only be done through the custodial interrogation as compared to questioning a suspect, who is already on anticipatory bail. In the present case, as the allegations against the petitioner are serious in nature, hence, the police has to be given an effective hand to elicit the truth, which can only be done by the custodial interrogation of the petitioner.

Keeping in view the above, no ground is made out to grant the petitioner the benefit of anticipatory bail.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

October 04, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No