

CRM-M No.41926 of 2021

Date of Decision : 11.10.2021

Sonu

...Petitioner

Versus

State of Haryana

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Neeraj Yadav, Advocate for the petitioner.
Mr. Gulshan Nandwani, Advocate for the complainant.

B.S. Walia, J. (VC)

[1] Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

[2] Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.271 dated 31.08.2021, registered under Sections 323, 324, 506 and 34, Indian Penal Code, 1860 and Section 8, POSCO Act, 2012 at Police Station Bawal, District Rewari, Haryana.

[3] Learned counsel contends that no injury is attributed to the petitioner and as per Annexure P-2 i.e. cross FIR registered by the main accused Rahul, the petitioner was not present when the fight took place.

[4] Notice of motion.

[5] Mr. Gurbir Dhillon, learned AAG, Haryana, accepts notice and vehemently opposes the prayer for bail by contending that the co-accused Rahul sexually harassed and assaulted the cousin of the complainant i.e. sister of injured Jatin, whereupon the petitioner and his

there accompanied by the petitioner both armed with knives and accused Rahul attacked with a knife resulting in Rakesh, the complainant's friend's thumb got mutilated when he tried to rescue the complainant. Besides the complainant also received an injury on his head at the hands of co-accused-Rahul. Co accused Rahul also called 6-7 other persons at the place of incident whereupon the complainant etc left the spot and went to Civil Hospital, Rewari.

[6] Learned State Counsel contends that co-accused Rahul had been harassing and sexually assaulting the victim and when the complainant asked him to meet him at a particular place, said Rahul along with the petitioner reached there armed with knives and caused injuries on the complainant, victim's brother, as well as his friend.

[7] Learned State Counsel contends that as per the MLR, complainant-Munish sustained 04 injuries, while his friend Rakesh sustained 01 injury with a sharp-edged weapon. He further states that the victim also made a statement under Section 164 Cr.P.C. levelling specific allegations against co-accused Rahul, of sexual harassment and assault besides threats to eliminate her and her brother and that in the circumstances on the petitioner accompanying co accused Rahul while armed with a knife, did not entitle him to grant of anticipatory bail.

[8] Learned counsel for the petitioner on the other hand contends that as per cross FIR registered by co-accused Rahul, at the time of incident, the petitioner was not present.

[9] I have considered the submissions of learned counsel. Admittedly,

knife, whereupon co accused caused injuries to the complainant, victims brother as well as his friend. In the circumstances, the petitioner was fully aware of the reason for going to Gugga Mandir along with co-accused. Investigation is under process and the knives with which the petitioner and co accused were armed have to be recovered. Accordingly, custodial interrogation of the petitioner is necessary.

[10] Taking into account all aspects of the matter, I do not find it to be a fit case warranting interference with the order passed by the learned Additional Sessions Judge, Rewari.

[11] *Dismissed.*

(B.S. Walia)
Judge

11.10.2021

'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>