

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

207

CRM-M-43437-2021

Date of Decision: 25.10.2021

Amit @ Hakala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Munish Thakur, Advocate,
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana,
assisted by ASI Rajbir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.477 dated 16.07.2021 at Police Station hansi City, District Hansi, under Section 323/325/34 IPC (Section 307 IPC added later on).
2. The FIR in question was lodged at the instance of Harish Kumar, wherein it is alleged that on 09.07.2021 at about 12:00-12:30 AM, when he alongwith his friend Totu was going on a Scooty, then they were waylaid by 4 boys, who had come in a white coloured Swift Dzire car bearing registration No.HR-31-H-0004. Out of the said boys, one boy namely Sumit started giving beatings to him and hurled abuses. Later on, 3 of his other companions joined him

and they all gave beatings to him with brick on his head and as a result of which he fell unconscious.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated subsequently on the basis of a supplementary statement of the complainant recorded on 25.07.2021. It has further been submitted that although the complainant claims to have a video recording of the incident in a Pen Drive, but in the said recording the petitioner is not shown to have participated and only one person Sumit is shown to have participated in the occurrence.
4. On the other hand, learned State counsel has submitted that he has been informed by the Investigating Officer, namely, ASI Rajbir Singh that the video recording clearly shows the presence of 4 accused including the petitioner and that in these circumstances, the complicity of the petitioner is clearly evident and the absence of his name in the FIR would be irrelevant.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the submission made on behalf of the learned State counsel to the effect that the presence of the petitioner is reflected in the video recording and while bearing in mind that it is a case attracting provisions of Section 307 IPC, no special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed.
7. It is, however, directed that a copy of the said video recording be provided to the petitioner at the earliest.

8. It is clarified that in case the submission of learned State counsel made on the basis of instructions from Investigating Officer regarding participation of the petitioner in the occurrence as per the video recording is found to be false, it shall be open to the petitioner to move an application afresh before this Court and also to take appropriate action for the misleading information conveyed by the Investigating Officer.

25.10.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**