

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

CRM-M-43752-2021

Date of Decision: 14.10.2021

Yogesh Singh and another

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Manoj Tanwar, Advocate,
for the petitioners.

Mr. Rohit Mittal, Advocate,
for the complainant.

AMOL RATTAN SINGH, J.

By this petition, the petitioners seek the concession of 'pre-arrest bail' upon FIR no. 325 having been registered at Police Station Nangal Chaudhri, District Mohindergarh, on 11.09.2021, alleging therein the commission of offences punishable under the provisions of Sections 323/325/34/506 of the IPC.

Learned counsel for the petitioners at the outset points to an order passed by this court on 01.10.2021 (this very Bench) in the case of a co-accused of the petitioners, admitting him to interim anticipatory bail, the said co-accused having filed CRM-M-41395-2021, titled as **Hanuman Singh Tanwar** vs. **State of Haryana** (copy Annexure P-4).

A perusal of the said order shows that interim bail had been granted to that person on a contention made by counsel appearing for him (incidentally the same counsel as in the present case), to the effect that

though that co-accused had admitted going to the premises of the complainant but even as per the CCTV footage obtained by the police, he would not be actually seen participating in the fight and had only been roped in because the complainant along with two others had entered into an agreement with the petitioners' son, with the complainant being the younger brother of that petitioner.

Hence, on that contention, that person (Hanuman Singh Tanwar) had been asked to join investigation and to be admitted to interim bail if he was sought to be arrested, till the next date of hearing before this court, i.e. 24.11.2021, with a gazetted officer having been directed to file a reply to that petition.

In the present case, as is seen from the order passed by the learned Additional Sessions Judge, Narnaul, dated 08.10.2021 (copy Annexure P-5), dismissing a similar petition filed by the present petitioners before that court, that court itself had viewed the pen drive containing the CCTV footage and had found that petitioner no. 1 was seen coming on a motor-cycle and beating the son of the complainant, with petitioner no. 2 also seen to be beating him.

Hence, as regards the present petitioners, I would see no parity with Tanwars' case, in the face of what has been observed by the Additional Sessions Judge.

Consequently, this petition is dismissed.

However, all observations made hereinabove are obviously in the context of a petition filed under the provisions of Section 438 of the Cr.P.C. and as regards the merits of the case, it would proceed on the basis of

evidence gathered and eventually led before the trial court (if it comes to that stage).

October 14, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.