

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47704-2021
Date of Decision: 15.11.2021

Goldy @ Akshit

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. J.P. Jangu, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Ms. Anu Garg, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The petition has been filled under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.270 dated 19.10.2021, under Sections 148, 149, 323, 452, 506 of the Indian Penal Code, 1860, registered at Police Station Badhra, District Charkhi Dadri.

As per the FIR which was lodged on the basis of statement made by one Rajpal @ Leela son of Jai Singh that on 18.10.2021 at around 8.45 P.M in the night when he was present at home, then Goldy (petitioner) alongwith 7-8 boys whom the complainant can identify in case they come in front of him, having a cot paw (khat ka paw) and stick in their hands entered into his house and directly asked his mother Santosh that where is

Kala and when his mother replied that she does not know, then they entered into his room and asked him where is Kala and on that the complainant said that he does not know where is Kala and after this the petitioner namely Goldy who was having wooden cot paw in his hand gave the blow on his head and he fell down and after that other boys also gave various injuries to him by giving blow on both his begs and on the back and after hearing the voice of the complainant, the mother of the complainant and his wife tried to save the complainant and then the petitioner namely Goldy also gave injuries to them. Thereafter, they ran away from the spot saying that they have left him today but in the coming time they will kill him.

Learned counsel for the petitioner has submitted that it is a case where as per the FIR, simple injuries have been attributed to the petitioner and the petitioner has been falsely implicated in the present case. He submitted that the petitioner was not present at the spot and also the victim/complainant was not in the hospital when the police went to the hospital and has therefore prayed for the grant of anticipatory bail.

On the other hand, Mr Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that he has received the advance copy of the petition and has also sought instructions in the present case. He submitted that it is a case where the petitioner alongwith many other boys had gone to the house of the complainant and gave him severe beatings and, therefore, it is a case of gang attack by the petitioner alongwith the other co-accused and the case is still under investigation as the FIR was lodged on 19.10.2021. He has also referred to photocopy of the MLR from where it can be seen that serious injuries have been caused on the left leg, left parietal scalp (on the head), right hand and back and even surgery has also

been opined by the doctors. He submitted that this MLR is from Civil Hospital Charkhi Dadri. A photocopy of the same is taken on record as Mark-X. He submitted that it is a case where a number of boys have collectively attacked the complainant after entering into the house and, therefore, the petitioner does not deserve the concession of anticipatory bail.

Ms. Anu Garg, Advocate has also appeared on behalf of the complainant and has stated that severe injuries have been caused on the complainant as well as his wife and mother and there is every apprehension that the petitioner may threaten the complainant, in case, anticipatory bail is granted to the petitioner.

I have heard the learned counsel for the parties.

It is a case where the allegations are that 7-8 persons including the petitioner had allegedly entered into the house of the complainant and had given beatings to the complainant including injury on the head. I have also perused the MLR report of the Civil Hospital in this regard, which has been supplied by the learned State counsel.

Also, a perusal of the FIR would show that direct allegations have been attributed to the petitioner alongwith 7-8 boys. Therefore, considering the seriousness of the offence and the magnitude of the same, the present case involves a number of boys entering into the house and allegedly beating up the complainant, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

Consequently, this petition being devoid of merits is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

15.11.2021

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No