

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

CRM-M-4339-2022

Date of decision-03.02.2022

Ashwani and another

....Petitioners

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manish Soni, Advocate for the petitioners.

MANOJ BAJAJ, J.

Petitioners have approached this Court under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.534 dated 08.07.2017 under Sections 307, 323 and 34 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 registered at Police Station Sector-10, District Gurugram, who apprehends their arrest at the hands of police.

The FIR was registered on the basis of a complaint given by Naveen Singh and the allegations contained in the FIR noticed by Additional Sessions Judge, Gurugram in his order dated 08.08.2018 read as under:-

“Brief facts of the case of the prosecution are that on 08.07.2017, complainant Naveen Singh and his friend Hitesh were standing near sabzi mandi. In the meantime the present applicants alongwith others co-accused Bharat, Rahul and Ramesh came on two motorcycles and started beatings the complainant and left the spot, thereafter, when the complainant reached their colony the present applicants-accused along-with other co-accused again started beatings them. Co-accused Rahul fired gun shot upon the complainant and

thereafter, fled away from the spot. Hence the present FIR was lodged.”

Learned counsel for the petitioner has argued that in the alleged occurrence no one had suffered any injury and as per the allegations, co-accused Rahul had fired a gunshot at complainant. He submits that the petitioners were falsely implicated and their parents were given an assurance during investigation that they shall be declared innocent. According to him, the petitioners were under this belief that they have been declared innocent, but the police is now taking steps to arrest them in order to interrogate them. He prays for anticipatory bail.

During the course of hearing, it is not disputed that the name of the petitioners are also contained in the FIR and their application for pre-arrest bail was dismissed by Court of Sessions long back on 08.08.2018. The stand of learned counsel that the petitioners were given assurance by police that they would be declared innocent is not worth acceptance in the light of the order dated 08.08.2018 as their prayer for anticipatory bail was opposed in order to seek their custody for interrogation and this stand has been raised after a long delay before this Court and the same is not supported with any convincing material.

Resultantly, this Court is not inclined to extend the extra ordinary concession of pre-arrest bail to the petitioners.

Dismissed.

03.02.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes	No
Yes	No