

CRM-M-8313-2022 (O&M)

Date of decision : 25.02.2022

Sachin Mann

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ankit Chahal, Advocate for the petitioner.

Mr. Viney Phogat, DAG Haryana.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.705 dated 24.12.2021 under Sections 148, 149, 323, 324 and 506 of Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Sector 32-33, Karnal, District Karnal, Haryana.

As per the version in the FIR, on 23.12.2021 at about 7 O'clock, the complainant was in the Sector-7 market with his friends Abhishek and Aman. Aman got a call from the present petitioner who called them near Karan Vihar Petrol Pump. After about 10-15 minutes they reached near Karan Vihar Petrol Pump to meet the petitioner. At the spot, the petitioner was present with his brother Shubham Mann. They were all engaged in a conversation when Sahil Pandit and 10-12 other boys came there and started talking and the whole group got into an altercation. At the same time, the petitioner and Shubham Mann slapped and punched the complainant and the

petitioner grabbed the complainant from behind and Sahil Pandit gave a knife blow on the right side of the abdomen with the intention to kill him. Sahil Pandit also gave a knife blow on the right hand and then along with 10-12 other boys kicked and punched the complainant by knocking him down due to which he suffered numerous injuries. The assailants thereafter ran away from the spot. The complainant was initially taken by his friend Prince Verma to a Government hospital, from there to Kalpana Chawla Government Medical College, Karnal and thereafter shifted by his father to Fortis Hospital, Mohali for treatment. The statement of the complainant was recorded at 10.15 am on 24.12.2021.

Learned counsel for the petitioner would contend that no overt act has been attributed to the petitioner and the knife blow has been attributed to Sahil Pandit. He would further contend that nothing has to be recovered from the petitioner and there is no other case pending against him. It is further the contention of learned counsel for the petitioner that there is a delay in lodging the FIR.

Notice of motion.

On the asking of the Court, Mr. Viney Phogat, DAG Haryana accepts notice on behalf of the respondent-State and he on instructions from ASI Vikas has stated that as per the MLR the complainant received four injuries. The injury on the abdomen was caused with a sharp-edged weapon and was declared grievous in nature and hence Section 326 IPC was added on the basis of the medical report. It has been pointed out by learned State counsel that a specific role has been attributed to the petitioner by the complainant firstly of having telephonically called the complainant and his

friends to the place of occurrence and thereafter catching hold of the complainant from behind while the co-accused Sahil Pandit gave a knife blow on the abdomen of the complainant.

Heard.

In the present case, the gravity of the offence needs to be kept in mind. The petitioner in the present case caught hold of the complainant from behind while his co-accused Sahil Pandit gave a knife blow on the abdomen of the complainant. It cannot be said that no role has been attributed to the petitioner as he not only telephonically called the complainant and his friends to the place of occurrence but also actively participated by catching hold of the complainant from behind while his co-accused Sahil Pandit gave a knife blow on the abdomen of the complainant.

In view of the above, I do not find this to be a fit case for grant of anticipatory bail to the petitioner. Accordingly, the present petition is dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

25.02.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO