

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

CRM-M-13893-2022

Date of Decision: 02.04.2022

Gajender Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Balvinder Sangwan, Advocate, for the petitioner.

Harnaresh Singh Gill, J.

The petitioner seeks grant of anticipatory bail in case bearing FIR No. 104 dated 14.02.2022 under Sections 147, 149, 323, 379-B, 506 IPC (Section 379-B IPC deleted and Section 325 IPC added later on), at Police Station Saran, Faridabad.

Learned counsel for the petitioner submits that the petitioner has nothing to do with the occurrence in question as it was an altercation between Rohit Godara, Kallu Lamba and Rahul Lamba on the one side and complainant and his family members on the other; that no role has been attributed to the petitioner; that the petitioner was not even named in the FIR and the accused named in the FIR, have already been enlarged on regular bail by the trial Court.

It is further submitted that when no recovery is to be effected from the petitioner, his arrest must not be a mechanical and routine formality. He relies upon the judgment of the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar and

Another, Criminal Appeal No. 1277 of 2014 decided on 02.07.2014, (2014) 8 SCC 273.

Having considered the submissions made by the learned counsel for the petitioner, I do not find it a fit case to grant the concession of anticipatory bail to the petitioner.

As per the version recorded in the FIR, Udai Pal, father of the complainant, was given brick blows on his face, which has resulted into fracture/dislocation of his three teeth. Apart from that three other persons, namely, Anand, Balram and Krishna Bhati, had also suffered injuries on their persons. The petitioner was duly identified by the complainant in the CCTV Footage produced before the learned Additional Sessions Judge, Faridabad, during the course of hearing of the bail application of the petitioner. Merely because, the petitioner was not arrested at the spot is no ground to presume his innocence, especially when his identify is established from the CCTV footage.

In view of the above, the present petition is dismissed.

02.04.2022

ds

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No