

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(102)

CRM-M-14308-2022

Date of Decision: 05.04.2022

Sunil

--Petitioner

Versus

State of Haryana

--Respondent

**CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.**

Present:- Mr. Akash Vashisht, Advocate for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

Ms. Deepinder Singh, Advocate for the complainant.

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**RAJESH BHARDWAJ.J (Oral)**

The present petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioner in FIR No.135 dated 18.2.2022 registered under Sections 147, 149, 323, 324, 354, 379A, 452, 506 IPC (subsequently offence under sections 325, 379-B and 34 IPC were added) at Police Station, Sector 58, Faridabad.

The present FIR was lodged by the complainant-prosecutrix (name concealed). The sum and substance of the allegations in the FIR is that accused Joginder parked the car in front of the house of the prosecutrix. He was requested to remove the car from the way, however, the same was taken in an offensive way by the accused and he along with the co-accused including the present petitioner duly armed entered the house of the prosecutrix. They caused injuries to the prosecutrix and her family members and outraged the modesty of the prosecutrix. The petitioner allegedly gave kick blows on the stomach of the complainant. He also gave knife blow on the hand of Sudesh. It is further alleged that he also gave a lathi blow to Sunder. The FIR was lodged to take legal action against the culprits.

The investigation commenced and accused Mrs. Sunita, Joginder Singh and Satpal Singh were arrested and were granted regular bail, however, the petitioner could not be arrested and he approached the court of learned Addl. Sessions Judge, Faridabad praying for grant of bail. After hearing the parties, learned Addl. Sessions Judge, Faridabad declined the same vide order dated 23.3.2022. Aggrieved by the same, petitioner has approached this Court praying for grant of anticipatory bail.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He submits that originally the FIR was lodged under Section 379-B I.P.C and remaining offences were added later on only in order to make the offence more grievous. However, during investigation the offence under Section 379-B I.P.C was deleted. He further submits that the alleged injuries caused by the petitioner are not serious in nature and hence the petitioner deserves to be granted benefit of bail.

I have heard learned counsel for the parties at length and have perused the record carefully.

From the arguments raised and perusal of the record, it is apparent that the petitioner has been specifically alleged of having entered the house of the prosecutrix and caused injuries with Lathi and knife. The injury caused to Sudesh is also medically corroborated.

Co-accused, who have not caused injuries have been arrested and granted bail under Section 439 Cr.P.C, whereas the petitioner has been alleged to have caused injuries which are medically corroborated.

In view of the facts and circumstances of the case and by considering the same on the anvil of the statutory provisions of Section 438 (2) Cr.P.C and the law settled, I find that the petitioner does not qualify for the grant of anticipatory bail. Resultantly, petition being devoid of any merit is dismissed.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**05.04.2022**

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Whether speaking/reasoned: Yes/No  
Whether Reportable: Yes/No