

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

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CRM-M-14986-2022

Date of Decision : **April 08, 2022**

ABHISHEK

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Parveen Dutt, Advocate for
Mr. Shiv Parkash, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 96 dated 14.2.2022 under Sections 323, 379B, 506, 148, 149 IPC, registered at Police Station Surajkund, District Faridabad.

As per the FIR which was lodged on the basis of a complaint made by one Avinash Bhadana son of Sh. Satish Kumar Bhadana that on 13.2.2022 at about 7 p.m. when he went to Azad Market Eros Garden for purchasing goods from Dada Momos (Calcutta Kathi Role) then a boy named Shagun was standing there consuming liquor and was beating two children and when the complainant saved those children from the aforesaid Shagun then he started abusing him but the complainant thereafter ignored him and started purchasing the goods. However, the aforesaid Shagun made a telephonic call and called his friends on the spot. Two brothers of aforesaid Shagun, namely, Rahul (petitioner)

although named as Rahul in the FIR but real name is Abhishek i.e. petitioner and another brother Vishal apart from the other friend, namely, Akash, Amit and Deepak and 3 more boys to whom the complainant recognize came there armed with sticks and all of them attacked the complainant with sticks and inflicted injuries on different parts of his head, shoulder and elbow. Thereafter all of them gave kick and fist blows to him. Thereafter aforesaid Shagun snatched the gold chain from his neck and all the boys were saying that they will kill him.

The learned counsel for the petitioner has submitted that there is no specific role attributable to the petitioner in the present FIR. He submitted that the name of the petitioner is Abhishek and this name has not been mentioned in the FIR and, therefore, he has prayed for the grant of anticipatory bail. He further submitted that the main role even as per the FIR is attributable to Shagun because he had allegedly snatched the gold chain and, therefore, the petitioner deserves the concession of anticipatory bail.

On the other hand, Mr. Naveen Singh Panwar, learned DAG, Haryana has submitted that he has received an advance copy of the present petition and has perused the same and thereafter has also sought instructions from the concerned IO. So far as the mentioning of the name of the petitioner in the FIR is concerned, he submitted that during investigation it has been found that the names mentioned in the FIR were taken by the complainant because these names were the nick names of the accused persons and so far as the present petitioner is concerned, his name has been mentioned as Rahul whereas his actual name is Abhishek

and it is a case where the complainant had only saved some children at the hands of one of the accused, namely, Shagun who was in a drunken state and thereafter he immediately called a number of boys and all of them started beating the complainant mercilessly which resulted in injuries on the head of the complainant and 18 stitches were there on the head of the complainant. He submitted that the sticks used in the offence are yet to be recovered and the modus operandi is also to be ascertained and it is a fit case where for the purpose of elicitation of truth the custodial investigation would be required.

I have heard the learned counsels for the parties.

So far as the name of the petitioner which is mentioned as Rahul is concerned, the same has been clarified by the learned State counsel on the basis of instructions from SI Dharamvir Singh that the petitioner Abhishek and Rahul are the same persons because in the FIR nick names of the accused have been used. It is a case where allegedly a group of boys had collectively attacked one person which resulted into head injuries and there were 18 stitches on the head of the complainant-injured as per the learned State counsel. The argument raised by the learned counsel for the petitioner that as per the allegations the petitioner never snatched any gold chain would also be of no avail to the petitioner in view of the fact that allegedly there was a collective action of all the boys which has been repeatedly stated in the FIR. The petitioner is also stated to be the brother of Shagun with whom the initial problem started with the complainant when the complainant was trying to save children.

Therefore, considering the gravity of the present case and the

argument raised by the learned State counsel that not only recovery is to be required but also for the elicitation of the truth and for interrogation the custodial investigation of the petitioner is required, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 08, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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