

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16491-2022
Reserved on: 31.08.2022
Date of Pronouncement: 06.09.2022

Alam & another
...Petitioner (s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Mohd. Arshad, Advocate
for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

Mr. Farukh Abdullah, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
224	19.6.2020	Ferozepur Jhirka, District Nuh	302, 120-B IPC

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 18 of the bail petition, the accused declare that they have no criminal antecedents.
3. A group of men allured the deceased by making telephone calls in voice of girls and later on, assaulted him, who later on succumbed to the injuries.
4. Ld. Counsel for the petitioners contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioners and family.
5. Ld. Counsel representing the State opposed the bail because the petitioners

had been absconding for almost two years, and as such, they are likely to abscond again.

6. The contention of behalf of the complainant is that the petitioners were fugitive and it would be impossible to secure their presence in the trial, which is already hampering.

REASONING:

6. The petitioners were members of unlawful assembly and the common object of the accused was similar. The accused were armed with *weapons* and iron rods. The medical report corroborates the injuries. Out of 13 injuries on his body, 3 were given with hard blunt weapon.

7. The allegations are serious and offence heinous. The evidence collected so far points out that the petitioners brutally and mercilessly assaulted the victim. Given the nature of injuries and preparations made for such assault, it does not entitle the petitioners to bail at this stage. Furthermore, the petitioners are fugitives and are delaying the trial.

8. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioners. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners fail to make a case for bail at this stage.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All interim orders, if any, granting bail stand vacated. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

September 06, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.