

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

CRM-M-19800 of 2022(O&M)

Date of Decision: 12.05.2022

Tinku @ Tek Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Sanjay Verma, Advocate
For the petitioner.**

Mr. Naveen Sheoran, DAG Haryana.

**Mr. Deepender Singh, Advocate
for the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed under Section 438 Cr.P.C. by the petitioner seeking anticipatory bail in case having FIR No. 230 dated 21.03.2022, registered under Sections 147, 148, 323, 324, 427, 452 and 506 IPC at Police Station Sector-58 Faridabad, to which Section 307 IPC was added lateron.

Counsel for the petitioner contends that present FIR has been lodged by wife of Ashok Kumar to counter the earlier FIR dated 15.03.2022 got registered by Mahesh Kumar, brother of present petitioner against Ashok Kumar and other persons, as per which Ashok Kumar gave *farsa* blow on the head of the present petitioner and the said injury was dangerous to life of present petitioner. Counsel further contends that Ashok Kumar is having criminal history and is also involved in NDPS Act cases, as is evident from Annexures P-5 and P-6.

Counsel further contends that petitioner is ready to join the investigation with the police and his co-accused have already been granted interim anticipatory bail.

Present petition is opposed by Mr. Naveen Sheoran, DAG Haryana who has put in appearance on service of advance notice as also by Mr. Deepinder Singh, Advocate who has appeared on behalf of the complainant.

State counsel assisted by counsel for the complainant contend that injury caused by the present petitioner on the head of Ashok Kumar with *farsa* was declared as dangerous to life by the concerned Doctor vide his opinion dated 28.03.2022. They further contend that serious allegations are appearing on record against the petitioner, who trespassed into the showroom of Ashok Kumar and thereafter caused injuries on his head. They further contend that immediately after the occurrence wife of Ashok Kumar lodged a complaint with the police and consequently FIR in question was registered. They further contend that present petition deserves to be dismissed as the recovery of weapon used by the petitioner is to be effected.

I have considered the submissions made by learned counsel for parties.

As per allegations appearing in the FIR, the petitioner and his accomplices attacked Ashok Kumar and the petitioner caused injuries on his head with *farsa* while the other accused persons started beating wife of Ashok Kumar and also attacked Dinesh. There is no doubt that FIR No. 217 dated 15.03.2022 was got registered by Mahesh Kumar, brother of the present petitioner, as per which Ashok Kumar gave *farsa* blow on the

head of present petitioner. The said occurrence is dated 15.03.2022. Present FIR is also relating to the occurrence dated 15.03.2022 as per which the petitioner caused injury on the head of Ashok Kumar with the help of *farsa* and the said injury was declared dangerous to life by the concerned Doctor vide his opinion dated 28.03.2022.

So serious allegations are appearing on record against the present petitioner. Recovery of weapon used by the petitioner in commission of crime is yet to be effected.

In the light of the matter, this Court is of the view that custodial interrogation of the petitioner is necessary for proper and effective investigation of the case. Consequently, the present petition is dismissed. However, anything expressed hereinabove is without prejudice to the case of the petitioner on merits before the trial Court.

12.05.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**