

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

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CRM-M-19970-2022

Date of Decision : **May 11, 2022**

SUMIT YADAV

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vishal Yadav, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.92 dated 31.3.2022 under Sections 147, 148, 149, 323, 324, 325, 379, 452, 506 and 120-B of IPC, registered at Police Station Khol, District Rewari.

As per the allegations contained in the FIR which was lodged on the basis of a complaint of one Varun Kumar son of Vijay Pal that he had taken two rooms on rent in which he and his staff used to relax since they are working in M/s Vijay Earth Movers. On 31.3.2022 he alongwith his friends Vivek @ Bihari and Rohit @ Vikku were having hooka and his father Vijay Pal was sitting with Karan Singh Mechanic. At around 10.15 a.m., two vehicles one Bolero (Mahindra) and one Camper Car which was of coco-cola colour came there and stopped and two cars and one Bolero were parked in front of the office and out of these vehicles 20/25 persons came out all of a sudden and all of them were having lathi, danda, sword and bricks and they started to climb the

stairs and thereafter his father shouted that 20/25 persons are coming and thereafter many of them inflicted injuries on them. So far as the present petitioner, namely, Sumit Yadav is concerned, he was having wooden stick danda and as per the FIR he inflicted lathi and danda blow on the injured-complainant.

Learned counsel for the petitioner has submitted that the main role was attributable to the co-accused, namely, Sachin, was that he allegedly inflicted injuries with sword and so far as the present petitioner is concerned, his role even as per the FIR was infliction of injuries with lathi and danda blows. He further submitted that the petitioner is a student and, therefore, he may be considered for the grant of anticipatory bail and has stated that he is not involved in any other case.

On the other hand, Mr. Naveen Singh Panwar, DAG, Haryana has stated that he has received an advance copy of the petition and has also sought instructions. He submitted that it is a case where a gang of 20/25 persons came at the resident/room of the injured where the injured alongwith the complainant and his father were sitting. He further submitted that there had been injuries on two persons and the legs of both the injured were broken. He submitted that the specific role has been attributable to the petitioner that he had inflicted injuries with danda/lathi and it does not make any difference as to whether one of the injuries was caused by sword by the other co-accused. He has, therefore, prayed for dismissal of the present petition.

I have heard the learned counsels for the parties.

As per the allegations, a gang of 20/25 persons collectively

came to the house/room of the injured where they were sitting alongwith father of the complainant and allegedly attacked with lathis and swords, bricks etc. As per the the learned State counsel, two persons were injured wherein their legs were broken and the matter is still at the investigation stage. The learned State counsel during the course of arguments submitted that for the purpose of ascertaining the motive and for the purpose of recovery of weapons, custodial investigation is required. The argument raised by the learned counsel for the petitioner that the only role attributable to the petitioner as per the FIR was of inflicting of danda blow to the injured and, therefore, he may be considered for the grant of anticipatory bail is not sustainable because it is a case where allegedly a gang of 20/25 persons had collectively attacked the injured after coming to their house/room. The argument raised by the learned State counsel that in such like cases the custodial investigation of the petitioner is required does carry weight. Therefore, considering the gravity and seriousness of the case, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

Therefore, 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.

(JASGURPREET SINGH PURI)
JUDGE

May 11, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No