

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

107

CRM-M-20310-2022

Date of Decision : **May 12, 2022**

PARDEEP

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Rishi Lal, 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.168 dated 2.4.2022 under Sections 323, 452, 506, 34 IPC, registered at Police Station Tosham, District Bhiwani.

As per the allegations contained in the FIR which was registered on the complaint made by one Rameshwar that he is working as salesman on the liquor vend of Ajit Meham at Baganwala Zone, village Khanak and on 1.4.2022 in the night he was sitting on liquor vend then at about 10.45 p.m. Pardeep(petitioner) alongwith 3 boys entered the liquor vend and took out 2 bottles of beer of Kingfisher from the fridge without his permission and tried to go outside and when he asked them to pay the money for the beer they had taken, they refused to pay the same and went outside. Thereafter, four boys again entered the liquor shop, Pardeep(petitioner) armed with danda and the other boys armed with saria, knife and danda each and all of them started giving beatings to him

with their respective weapons. Thereafter, the petitioner gave danda blows on his hands, waist, palm of left hand, thumb and legs and one boy gave him saria blows. The boy who had knife also gave a blow on his left feet and all gave fists and legs blows and took out Rs.5,000/- from cash box and also stated that if again they see him in the liquor shop they will kill him and all the four boys fled away.

Learned counsel for the petitioner has submitted that as per the allegations there are only simple injuries on the complainant and the petitioner has been falsely implicated in the present case.

On the other hand, Mr. Naveen Singh Panwar, DAG, Haryana has stated that he has received an advance copy of the petition and he has also sought instructions. He submitted that it is a case where four persons collectively took out beer bottles from the liquor vend forcefully and when they were asked to pay money then they collectively beat up the boy who is the complainant in the present case and who was the salesman and as a result of the same he suffered six injuries and the matter is still at the investigation stage. He further submitted that so far as the present petitioner is concerned, even as per the FIR direct role has been attributable to the petitioner and he does not have clean antecedents and infact he is involved in two more cases.

The learned State counsel further brought to the notice of this Court that the petitioner has actively and deliberately concealed the material facts from this Court. While referring to para No.15 of the petition which is supported by the affidavit of the petitioner, he has stated that no other case/FIR is registered or pending against the petitioner.

Para No.15 of the petition is reproduced as under:-

“That no other case/FIR is registered or pending against the present petitioner.”

The learned State counsel submitted on instructions that infact the petitioner is involved in two more cases and the details of the same is given as under:-

1. FIR No.94 dated 23.4.2017, under Sections 323/382/506 IPC, PS Tosham and;
2. FIR No.451 dated 2.10..2021, under Section 379 IPC and Section 21 of Mines and Minerals Act 1957, PS Tosham.

He has, therefore, prayed that the present petition is liable to be dismissed with exemplary costs.

I have heard the learned counsels for the parties.

As per the FIR, the allegations against the petitioner and other co-accused are that they had taken beer bottles from the refrigerator of the liquor vend without the permission of the salesman who was sitting there and when they were asked to pay, they started beating him which caused six injuries to him as per the learned State counsel. A perusal of the FIR would show that direct role has been attributable to the petitioner. Apart from the same, the learned State counsel has raised a serious objection with regard to the material concealment of facts by the petitioner. In para No.15 of the petition, the petitioner has specifically stated that he is not involved in any other case and the said para has also been reproduced above. The present petition is also supported by the affidavit of the petitioner.

When a specific query was put to the learned counsel for the petitioner as to what is the justification with regard to the material concealment of facts and the antecedents of the petitioner, learned counsel for the petitioner has categorically stated that he had specifically asked the petitioner with regard to the pendency of the other FIRs and he was specifically told that he is not involved in any other case and, therefore, so far as the learned counsel for the petitioner is concerned, he was totally ignorant with regard to the same.

In view of the aforesaid facts and circumstances, the present petition is, hereby, dismissed with costs of Rs.20,000/-. The costs shall be deposited with Poor Patients Welfare Fund, PGI, Chandigarh within a period of two months from today.

List on 15.7.2022 for compliance purpose only.

May 12, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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