

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

**CRM-M-28413-2022
Date of decision-07.07.2022**

Hariom Sharma

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pradeep Chhoker, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Tushar Gautam, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.217 dated 20.05.2022 under Sections 148, 149, 323, 427, 506 of Indian Penal Code, 1860 (Sections 325 and 379-B of IPC added later on) registered at Police Station Chand Hut, District Palwal, who apprehends his arrest at the hands of Police.

The FIR was registered on the basis of statement of Bhagat Singh and the allegations contained therein as noticed by Additional Sessions Judge, Palwal, in his order dated 20.06.2022 read as under:-

“The case of the prosecution is that on 25.05.2022 rukka

was received from Government Hospital, Palwal that injured Kishan has admitted on account of assault injuries the police already went to the hospital. The injured was opined to be unfit for statement. Complainant Bhagat moved complaint. He submitted that he along with his brother Parkash and Sh. Nandlal, retired S.D.O. had gone to village Sihol, to see a plot of land. At around 2:30-3:00 PM, when they were sitting on Chaudhary Mayank Dhaba, accused Hariom along with 10-12 persons came armed with Lathi, Danda, etc. They assaulted his brother, with sticks and axe. His brother received injuries on both his arms. Hariom broke on the mobile phone of his brother. The complainant got unconscious. People gathered on the spot and police reached the spot. The accused absconded on seeing the police. 10-15 days ago accused Hariom had intimidated him that he would kill his brother Parkash. Appropriate proceedings be initiated against the accused.”

Learned counsel for the petitioner has argued that the FIR does not contain any allegation regarding snatching and the petitioner has been falsely implicated by the complainant as there is civil litigation pending between them. He has further argued that the offences punishable under Section 325 and 379-B of IPC were added subsequently, therefore, in the given facts, custodial interrogation of the petitioner may not be necessary who is willing to join the investigation. He prays for pre-arrest bail.

During the course of hearing, it is not disputed by learned counsel that the nature of injury suffered by the injured is a fracture and he is also involved in other cases relating to the offences against human body.

At this stage, learned State counsel assisted by learned counsel for the complainant has pointed out that the FIR was lodged by the brother of the injured whereas the offences under Section 325 and 379-B IPC were added after recording the statement of the injured.

After hearing the learned counsel for the parties and considering the above background of the case, this Court is of the opinion that as per prosecution, the complainant has specifically named the petitioner for alleged commission of crime, who was armed with an axe and assaulted the victim along with his accomplices, who suffered grievous hurt, therefore, the custodial interrogation of the petitioner may be necessary to find out the names of the accused persons and recovery of weapon etc.

Resultantly, without meaning any expression of opinion on merits of this case, no case is made out for granting the extraordinary concession of pre-arrest bail to the petitioner.

Dismissed.

(MANOJ BAJAJ)
JUDGE

07.07.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No