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

CRM-M-31187-2022

Date of decision : 21.07.2022

Hardeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amandeep Chhabra, Advocate for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.322 dated 03.11.2019 registered under Sections 148, 149, 323, 452, 506 of the Indian Penal Code, 1860 at Police Station Sadar Dabwali, District Sirsa.

Learned counsel for the petitioner has submitted that in the present case, since the petitioner was in custody in some other case, thus, he could not approach this Court within time and it is after being released in the said case that the petitioner has filed the present anticipatory bail. It is further submitted that the petitioner has been attributed a simple injury and thus, deserves the concession of anticipatory bail.

Notice of motion.

On advance notice, Mr. Anmol Malik, DAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that the petitioner is involved in three other cases of similar nature and the said fact is also apparent from the perusal of para 7 of the order rejecting anticipatory bail of the petitioner dated 10.04.2020 and despite of the same, the petitioner has mentioned in para 15 of the petition that he is not involved in any other case and thus, has concealed the said material facts. It is contended that the petitioner is the main accused in the present case and he alongwith other persons had trespassed into the house of the complainant and had caused injuries to the complainant. It is further contended that a specific injury has also been attributed to the present petitioner which is on the head of the complainant and thus, the same is on a vital part.

This Court has heard the learned counsel for the parties and has perused the paper book.

The present FIR is dated 03.11.2019 and the order rejecting anticipatory bail of the petitioner is of 10.04.2020. The reason given for approaching this Court after a period of more than two years of passing of the order rejecting anticipatory bail to the petitioner is that the petitioner was arrested in another case and it is after having been granted bail in the said case, that the petitioner has filed the present petition. In para 15 of the petition, the petitioner has stated that he is not involved in any other

case. Para 15 of the petition is reproduced hereinbelow:-

“15. That there is no other case/FIR is registered or pending against the petitioner and the petitioner has also not been declared as proclaimed offender in any of the case.”

Thus, the arguments raised by the petitioner are contrary to his own pleadings. Moreover, as per stand of the State Counsel and also as per para 7 of the order rejecting anticipatory bail of the petitioner, it is clear that it is specifically stated that the petitioner is involved in three other cases of similar nature which fact is not disputed by the learned counsel for the petitioner but a perusal of para 15 of the petition would show that there is a concealment with respect to registration of said three cases and in fact, false averments have been made that the petitioner is not involved in any other case. A perusal of FIR would show that on the date of the incident, Jagtar Singh-complainant alongwith his mother and younger brother were in his house, and then the present petitioner alongwith other co-accused came into the house of the complainant and inflicted injuries upon the complainant and had thus, committed the offences as alleged, including the offence under Section 452 of IPC. Specific allegations have been made against the present petitioner to the effect that he gave a stick blow on the head of the complainant. The stick is yet to be recovered from the petitioner. The injury given is on a vital part. It is further alleged that the present petitioner and the other accused persons had abused the complainant and his family members and had threatened them with dire consequences.

Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the present petitioner does not deserve the concession of anticipatory bail.

Accordingly, the present petition is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

21.07.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No