

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

CRM-M No.36799 of 2022

Date of Decision: 28.09.2022

Suraj Kumar

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Abhijeet Singh, Advocate
for the petitioner.

Mr. Apoorv Garg, D.A.G, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.409 dated 02.08.2022 registered at Police Station Sadar Fatehabad, District Fatehabad, under Sections 147, 149, 323 and 365 IPC (wherein the offences under Sections 325, 367 and 34 IPC are stated to have been added later-on), the petitioner has preferred the instant petition for seeking the relief of pre-arrest/anticipatory bail.

2. Shorn and short of unnecessary details, the allegations, as levelled by informant-Manjeet Singh in the subject FIR, are that the petitioner, along-with his co-accused, kidnapped his (informant's) brother named Gurpreet and took him to *Chowk* (round-about/main area) of the village while dragging him. He ran after them and saw that they were giving brick-blows to his brother there and then, they took him further on

the motor-cycle. He again followed them and also informed the police and on hearing the sound of the siren of the police vehicle, they threw his brother on the road and escaped from there.

3. Status-report submitted on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Fatehabad), along-with Annexures R-1, R-2/T and the vernacular version of Annexure R-2, is already available on the file and all these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the version regarding the afore-named victim having allegedly been kidnapped by the petitioner and his co-accused from a crowded place, seems highly improbable and this fact itself shows the false implication of the petitioner in this case and moreover, some of the co-accused of the petitioner have already been declared to be innocent during the investigation proceedings and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition.

6. Per contra, learned State counsel argues that the petitioner and his co-accused had caused grievous injuries to the above-said victim and the name and the role of the petitioner in the said crime, find specific mention in the subject FIR as well as in the statement of the afore-named victim/injured and it being so, this petition be dismissed.

7. As regards the contention qua the version as set-forth in the FIR being improbable, the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and it cannot be decided at this stage while dealing with the present bail petition.

8. Even if some of the co-accused of the petitioner have been declared to be innocent in the case but however, the fact remains that he has categorically been nominated as an accused by the above-named informant as well as the victim/injured in their respective statements as made before the police and has also been attributed the specific role in the alleged commission of the offence. Further, it has also been deposed in Para No.9 in the status-report that besides the instant case, the petitioner is involved in two more criminal cases.

8. Keeping in view the afore-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest/anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

September 28, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>