

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

CRM-M-41736-2022

Date of Decision: 13.9.2022

Harvinder Singh @ Kaka

... Petitioner

Versus

State of Haryana

... Respondents

CORAM:-HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Namit Khurana, Advocate for the petitioner

Mr.Himmat Singh, DAG, Haryana

Mr.Manvinder Sidhu, Advocate for complainant.

The petitioner has approached this Court by filing this petition under Section 438 of the Cr.P.C. for grant of anticipatory bail to him in FIR No.208 dated 6.7.2022 under Sections 148, 149, 323, 307, 452, 506, 325 and 120-B of the IPC registered at Police Station Chappar, District Yamuna Nagar.

Learned counsel for the petitioner contends that present case has been lodged falsely against the petitioner and he has nothing to do with the alleged offence. He further submits that the petitioner is a respectable person and in previous election, wife of his cousin Balbir

Singh was elected as a Sarpanch of Village and in the coming election, brother of the petitioner is contesting election for the post of Sarpanch of Gram Panchayat and therefore, the complainant was having grudge against the petitioner and has falsely implicated the petitioner in the present case.

On the contrary, learned counsel for the State submits that the petitioner has been specifically named in the FIR and specific role has been attributed to him. The petitioner caused grievous injuries to the complainant. The iron rod used in committing the offence is yet to be recovered.

Learned counsel for the complainant appears and files power of attorney and produces photocopy of MLR which are taken on record. He submits that injuries no.1 to 3 have been declared grievous in nature. The complainant remained in coma and the doctor used 36 stiches.

Having heard learned counsel for the parties, I am of the view that the petitioner has been specifically named in the FIR. There is specific role attributed to him. The petitioner alongwith other co-accused inflicted injuries on the head of the complainant with iron rod. Investigation is still going on and, therefore, custodial interrogation of the petitioner is necessary for finding out the modus operandi of commission of offence and for recovery of the iron rod. It is settled proposition of law that power exercisable under Section 438 of the Cr.P.C. is somewhat extraordinary in character and it is to be exercised in exceptional cases. This view of mine finds support from the judgment of Hon'ble Supreme Court in **Madhya Pradesh vs.**

Pradeep Sharma, (2014) 2 SCC 171.

In view of seriousness of allegations and gravity of offence, I find that this is not a fit case for grant of anticipatory bail to the petitioner. The petition is dismissed.

(ASHOK KUMAR VERMA)
JUDGE

13.9.2022

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No