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

**CRM-M-42223-2022
Date of Decision: 19.09.2022**

Kuldeep Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Siwach, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.160, dated 17.05.2022 under Sections 148, 201, 323, 379-B, 427, 452 & 149 IPC and Section 25 (Act No.54) of the Arms Act, registered at Police Station City Ratia, District Fatehabad.

As per the allegations contained in the FIR, which was lodged on the basis of statement made by one Jasbir Thind son of Sardar Mahinder Singh that he is an Advocate and practicing in the High Court at Chandigarh and on the day of registration of FIR, he had come to eat food in Maharaja Hotel, Ratia with his friend Ajay and his driver Balhar Singh. It was about 5.00 in the evening, when they came outside of the hotel after eating meal and at that time, he was calling his car through phone to his driver, as the driver came outside the hotel prior to him and at that time, about 10-12 young boys were coming having swords and *dandas* in their hands out of

which 3-4 boys, name and address were not known, ran towards him and he ran and went inside the Maharaja Hotel at Ratia then 3-4 boys came inside the hotel behind him and started snatching mobile from him and he did not give the mobile then one boy gave sword blow on his back. Those 2-3 boys caught hold of him and his mobile phone and purse were also snatched. Thereafter, he fell down in the hotel and when the hotel owner and hotel servant ran and came to him then they while abusing ran away with their respective weapons. Thereafter, he called at 112 and the police came at the spot. Thereafter, he was admitted in the hospital for treatment.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has not been named in the FIR and it was only on the basis of disclosure statement of the co-accused, his name was nominated in the present case and has also submitted that in view of the aforesaid position, the petitioner may be considered for the grant of anticipatory bail.

Notice of motion.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana, has stated that he has received an advance copy of the present petition and has gone through the same and has also sought instructions in the present case. He submitted that it is a case where gang of 10-12 young boys, who were carrying *dandas*, swords and other weapons in their hands attacked the complainant. Thereafter, they tried to snatch his mobile phone and one boy gave a blow on the back and other boys caught hold of him and snatched his mobile phone and wallet from him. He further submitted that the incident was captured in the CCTV footage at the place

of occurrence which was taken into the police possession from where it can be seen that the petitioner was also a part of the gang, who had inflicted the blows. He also submitted that the mere fact that the name of the petitioner was nominated on the basis of disclosure statement of a co-accused would not vest a right to the petitioner for grant of anticipatory bail, since other factors would show that the petitioner was directly involved in the present offence. He further submitted that the petitioner does not have clean antecedents and he is also involved in one more FIR bearing No.63 of 2021 under Sections 147, 149, 323, 325, 341 IPC, registered at Police Station City Ratia, District Fatehabad and in the present case, the custodial investigation of the petitioner is necessary.

I have heard the learned counsel for the parties.

In the present case, according to the learned State counsel, the petitioner was caught in the CCTV footage and allegations are that 10-12 young boys collectively came to the hotel and gave blows to the complainant and thereafter, snatched wallet and mobile phone from him and the complainant also suffered injuries. The petitioner is also involved in one more case as stated by the learned State counsel and also described by the petitioner in Para No.10 of the petition. The argument raised by the learned Addl. A.G., Haryana that for the purpose of recovery of *danda*/swords and for ascertaining the *modus operandi* adopted by the petitioner along with the co-accused, his custodial investigation is required, cannot be ignored and carries weight coupled with the fact that the petitioner does not have clean antecedents.

In view of the aforesaid position, this Court is of the view that

it is a fit case where the custodial investigation of the petitioner is required for the purpose of elicitation of truth.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

19.09.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |