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

**CRM-M-44074-2022
Date of Decision: 28.09.2022**

Ankit Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.S. Deol, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

Mr. Arshdeep Singh Brar, Advocate,
for the complainant.

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.264, dated 12.08.2022 under Sections 323, 324, 379-B/34 IPC, registered at Police Station Bawal, District Rewari.

The present FIR was lodged on the basis of the complaint made by the complainant, namely, Mahender son of Rohtash by stating that on 11.08.2022 at about 09.00 p.m. in the night time, he along with Hawa Singh were coming from the village Nangli Parsapur by taking Rs.3000/- from one Deepak and were returning to their village by riding on the motorcycle and near Gujar Market Bus Stand, the accused persons stopped the motorcycle and snatched the key of motorcycle and started hurling abuse and beatings.

The aforesaid Hawa Singh ran away from the spot and the accused persons

armed with *Kulhari*, *Lathi* and sticks started giving beatings to the complainant. The other co-accused, namely, Jassu gave the *Kulhari* blow and Ankit (Petitioner) gave *Sariya* blow and Bunty-co-accused gave rod blow and the complainant suffered injuries. Ankit (Petitioner) also showed his weapon and gave threats to kill him and Rs.3,000/- which was kept in his pocket, were snatched and the clothes of the complainant were also torn by him and thereafter, he also got him bitten by two dogs and in this way, the complainant got injuries on head and he became unconscious. Thereafter, some persons informed his family members, who took him to the hospital for first aid.

Learned counsel for the petitioner has submitted that the petitioner, although named in the FIR, has been falsely implicated and it was on the basis of the disclosure statement made by the co-accused his name was nominated and the petitioner was not even present on the spot. He further submitted that even otherwise also the subject matter of the present case was pertaining to Rs.3,000/- only, which is a petty amount and therefore, the petitioner may be considered for the grant of anticipatory bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that a detailed affidavit of Deputy Superintendent of Police, Bawal, Rewari, District Rewari has been filed and while referring to the same, he submitted that even as per the FIR itself, the specific role has been attributed to the petitioner and he has been specifically named by the complainant. He further submitted that it is not only the case of snatching of Rs.3,000/-, but it is a case where a group of persons together snatched an amount of Rs.3,000/- and also caused injuries

to the complainant and as per the MLR, there were 8 injuries to the complainant including head injury due to which the complainant became unconscious. So far as the present petitioner is concerned, he gave iron rod injury to the complainant.

Learned Additional Advocate General, Haryana has further referred to Para 8 of the affidavit and submitted that the petitioner has got criminal antecedents and he has been earlier involved in FIR No.63 of 2018, under Sections 392/411 IPC and Sections 2 & 3 of the Gangsters Act, registered at Police Station Shergarh, District Mathura (U.P.) and also in FIR No.95 of 2018, under Sections 411/414 IPC, registered at Police Station Shergarh, District Mathura (U.P.) and also in FIR No.167, dated 21.03.2020, under Sections 147/148/149/341/384/506 IPC and Section 25 of the Arms Act, registered at Police Station Bawal. He further submitted that the offence was committed in the evening where a group of persons attacked the complainant and after causing injuries to him, snatched cash from him and he lost his consciousness. Recovery of weapon is yet to be effected from the petitioner and the other co-accused. He also submitted that such kind of offences are taking place frequently and considering the criminal antecedents of the petitioner, the custodial investigation of the petitioner is required for the purpose of elicitation of truth and for qualitative interrogation. Learned State counsel also referred to the judgment passed by the Hon'ble Supreme Court in “*State represented by C.B.I. Vs. Anil Sharma*”, (1997) 7 SCC 187.

Mr. Arshdeep Singh Brar, Advocate has caused appearance on behalf of the complainant and submitted that the complainant has given an

affidavit and a photocopy of the same has been attached as Annexure P-4 whereby he has stated that the present petitioner was not present at the place of occurrence.

However, learned State counsel has stated that such kind of affidavit cannot vest any right upon the petitioner for grant of anticipatory bail. He has referred to Para No.6 of the affidavit in this regard wherein it was found during the investigation that the cell phone location of the petitioner has been obtained and has been found in the vicinity of the place of occurrence and further the analysis of the call detail record also revealed that the co-accused Jaswant and the petitioner had a conversation amongst each other after the occurrence as well in the wee hours on the intervening night of 11/12.08.2022. He also submitted that during investigation, it was found that the petitioner was present on the spot on the basis of CDR etc., and therefore, the execution of any affidavit would not be of much significance.

I have heard the learned counsel for the parties.

The role of the petitioner has been described in the FIR itself and he has been named in the FIR. The allegations were that a group of persons including the petitioner had attacked the complainant and gave 8 injuries to him and snatched Rs.3,000/- from him and later the complainant became unconscious due to injuries. As per the State Counsel, enough evidence has been collected to show that the petitioner was within the vicinity of the place where the offence was committed. Therefore, the arguments raised by the learned counsel for the petitioner that the petitioner was not present on the spot cannot be accepted at this stage. The petitioner

is also stated to be involved in two more cases i.e. FIR No.63 of 2018, under Sections 392/411 IPC and Sections 2 & 3 of the Gangsters Act and FIR No.95 of 2018, under Sections 411/414 IPC. Both were registered in U.P. Another FIR No.167, dated 21.03.2020, under Sections 147/148/149/341/384/506 IPC and Section 25 of the Arms Act, was also registered at Police Station Bawal in the State of Haryana. The argument raised by the learned State counsel that for the purpose of recovery of weapons and for the purpose of qualitative interrogation, the custodial investigation of petitioner is required, carries weight and cannot be ignored. Therefore, considering the gravity as well as the antecedents of the petitioner, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

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.

28.09.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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