

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

Sr.No.219-A

CRM-M No.52374 of 2021

Date of Decision: 23rd February, 2022.

Amit Kumar

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr. Amit Parashar, Advocate,
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

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MEENAKSHI I. MEHTA, J.

The petitioner herein seeks the relief of regular bail in the criminal case arising out of the FIR bearing No.502 dated 08.08.2021 registered at Police Station Suraj Kund, District Faridabad, under Sections 323, 379-B, 307, 506 & 34 IPC (the offence under Section 307 read with Section 34 IPC stated to have been added later-on).

Shorn and short of unnecessary details, the allegations, as levelled by the complainant-injured named Gaurav Kumar in the subject FIR, are that he deals in Inverters and Batteries and accused Dinesh Kumar had given his inverter to him for its repair and when he came to his (complainant's) shop to take it back, he refused to pay the charges for repairing the same and thereafter, he started giving him fist and kick blows and also tried to kill him by throttling and he also snatched away the cash

amount of Rs.1500/- and his Aadhar Card as kept in the pocket of his (complainant's) shirt.

Reply filed on behalf of the respondent-State, by way of the affidavit of the Assistant Commissioner of Police, Badkhal, District Faridabad, is already available on the file and the same is taken on the record.

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

Learned counsel for the petitioner contends that the name of the petitioner does not find mention as an accused in the FIR and moreover, he is behind the bars since the date of his arrest, i.e 20.08.2021 whereas he had no role to play in the alleged occurrence and in these circumstances, he deserves the relief as prayed for in this petition.

Per-contra, learned State counsel argues that the CCTV footage of the place of occurrence shows the active participation of the petitioner in the crime and in his supplementary statement also, the complainant has specifically nominated the petitioner as one of the assailants who had inflicted the injuries to him and the complainant has not yet been examined as the witness before the trial Court and keeping in view the gravity of offence committed in the case, this petition be dismissed.

Though, the name of the petitioner does not figure in the said FIR but in Para No.4 of the preliminary submissions in the Reply, it has categorically been deposed that in his supplementary statement, the

complainant had named the petitioner as one of the assailants who had caused injuries to him. In Para No.5 therein, it has also been mentioned that the CCTV footage of the occurrence revealed that the petitioner and his co-accused Parveen Bhadana @ Pappi were seen therein giving kick blows on the head and other parts of the body of the said injured and throttling him. In Para No.3, it has been mentioned that the petitioner suffered as many as 08 injuries on his person and concededly, he has not been examined as the prosecution witness before the trial Court so far. In these circumstances, mere factum of the incarceration of the petitioner since the afore-said date cannot be taken to be sufficient at all to extend the relief of regular bail to him.

Keeping in view the above-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 regular bail. Resultantly, the instant petition stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

23.02.2022.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No