

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55341-2022

Date of Decision: 30.11.2022

Vikram @ Vicky

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.B.S.Mamli, Advocate
for petitioner

Mr.Munish Sharma, AAG, Haryana

ASHOK KUMAR VERMA, J.

Notice of motion.

On the asking of this Court, Mr.Munish Sharma, AAG
Haryana accepts notice on behalf of the respondent-State.

The petitioner has filed this petition seeking grant of anticipatory
bail in case FIR No.0140 dated 28.6.2022 under Sections 323, 452, 506,
325, 307, 34 of the IPC registered at Police Station Titram, District
Kaithal.

Learned counsel for the petitioner, *inter alia*, submits that the
petitioner has been falsely implicated in the present case. The only
alleged role attributed to the petitioner is of danda blow which hit on the
head of complainant- Hawa Singh. He is hale and hearty. Moreover, co-
accused-Deepak alias Deepu has already been granted ad interim
anticipatory bail vide order dated 10.10.2022 passed by this Court in
CRM-M-45989-2022. The petitioner is already ready and willing to join
the investigation.

On the other hand, learned counsel for the State vehemently

submits that there are specific roles and injuries attributed to the petitioner.

The petitioner had given head injury to complainant- Hawa Singh aged about 70 years which resulted into fracture of parietal bones and the said injury has been opined as dangerous to life by the doctor. The allegations against the petitioner are serious in nature. Learned counsel also submits that the investigation is at initial stage and recovery of weapon of commission offence is yet to be effected from the petitioner and as such his custodial interrogation is necessary.

Having heard learned counsel for the parties, prima facie I am of the considered view that there are specific roles and injuries attributed to the petitioner. Allegedly, the petitioner had given head injury to complainant -Hawa Singh aged about 70 years which resulted into fracture of parietal bones and the said injury has been opined as dangerous to life by the doctor. The allegations against the petitioner are serious in nature. Moreover, investigation is still going on and, therefore, custodial interrogation of the petitioner is necessary for finding out the modus operandi of commission of offence. 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.**

Dismissed.

(ASHOK KUMAR VERMA)
JUDGE

30.11.2022

MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No