

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-15876-2023 (O&M)

Reserved on: 25.04.2023

Pronounced on: 11.05.2023

Partap Singh

... Petitioner(s)

Versus

State of Haryana

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Karnail Singh Ahhi, Advocate
for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
307	2.12.2022	Nigdhu Karnal	148, 149, 323, 452, 325, 307, 506 IPC

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 25 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner’s counsel argued that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State’s counsel opposes the bail.

REASONING:

5. The allegations against the petitioner are that there was an altercation between petitioner and injured, as a result of which he along with other co-accused trespassed into the house of the complainant and assaulted one Lovepreet Singh with *dandas* and *lathis*. They also thrashed Jaspreet Kaur mother of Lovepreet Singh when she tried to save him. The injured suffered severe head injury which is dangerous to life. The

allegations are serious and offence is heinous. The evidence collected so far points out that the petitioner brutally and mercilessly assaulted the victim. Given the nature of injuries and preparations made for such assault, it does not entitle the petitioner to bail at this stage.

6. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

7. In Jai Prakash Singh v. State of Bihar and another (2012) 4 SCC 379, Hon’ble Supreme Court holds,

[19]. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. [See D.K. Ganesh Babu v. P.T. Manokaran (2007) 4 SCC 434, State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain (2008) 1 SCC 213 and Union of India v. PadamNarain Aggarwal (2008) 13 SCC 305].

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor the court taking up regular bail or the trial Court while proceeding with the trial shall advert to these comments.

Petition dismissed in aforesaid terms. All interim orders granting bail stand vacated.
All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

May 11, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No