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

**CRA-S-1288-2023
Date of Decision:05.05.2023**

Umed Singh

.....Appellant

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Suvir Sidhu, Advocate and
Mr. Sankalp, Advocate for the appellant.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. Shilak Ram Hooda, Advocate for the complainant.

MANJARI NEHRU KAUL J. (Oral)

1. The appellant is challenging the order dated 17.04.2023 passed by Addl. Sessions Judge, Hisar, whereby his application for regular bail under Section 439 of Code of Criminal Procedure, 1973 in case FIR No.1018 dated 09.11.2021, under Sections 323/341/325/379-B/452/506/120-B/34 IPC and 25 of Arms Act and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sadar, Hisar, was declined.

2. Learned counsel for the appellant submits that false implication of the appellant in the crime in question finds due support from the status report which was filed by the Investigating Agency on 08.02.2022 wherein it had been categorically stated that on investigation of the FIR in question, it

had come to the fore that two persons who were not from village Juglan had fought with the complainant, and on account of some enmity in the village, the appellant had been named. However, subsequently, vide Annexure A-3, the matter was re-investigated and the investigating agency had come up with an altogether contrary version with respect to the role played by the appellant in the crime in question, which then led to the arrest of the appellant on 29.03.2023. Learned counsel further submits that even otherwise appellant has just been attributed simple injuries on the legs and forearms of complainant Ramesh, with the butt of a firearm, and three injuries on the person of the wife of the complainant.

3. Learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Mohinder Singh, has not disputed that initially no material had come to light qua the involvement of the appellant in the occurrence in question, which took place on 09.11.2021, however, he contends that subsequently enough cogent material came to the fore qua the involvement of the appellant in the crime in question. He has further contended that the complainant sustained as many as 05 injuries at the hands of the appellant and his wife also received 03 injuries in the occurrence in question, which is supported by their respective medico legal reports. It has been urged that since the matter is still under investigation and challan has not yet been presented, the prayer of the appellant for being enlarged on bail be declined, more so, as the crime in question was committed by him while he was on bail in a number of other criminal cases which stood registered against him.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. As per the allegations levelled in the FIR in question, the appellant along with co-accused after stopping the car of the complainant made casteist remarks against him. Thereafter, they forcibly opened the door of the car and assaulted the complainant and his wife with iron rods and butt of a fire arm, which they were carrying with them. The investigation, as already observed earlier, is still underway and the injuries sustained by the complainant and his wife are duly supported by their medico legal reports. This Court cannot also loose sight of the fact that the offences in question were committed by the appellant while he was on bail in two other criminal cases. It is also a matter of record that the appellant is a man of criminal antecedents as he is involved in 15 other criminal cases. This Court, therefore, is not inclined to extend the concession of bail to the appellant at this stage as there is every likelihood that the appellant could abscond or even try to tamper with material evidence and influence the witnesses to depose in his favour.

6. Accordingly, the instant appeal is dismissed.

7. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.05.2023
vinay/sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No