

(207)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: May 04, 2023

1. CRM-M-21829 of 2023

Rohit Beniwal

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-21911 of 2023

Mohit Beniwal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Anuj Kumar, Advocate for the petitioner(s).

Mr. Randhir Singh, Addl. AG, Haryana.

Mr. Gaurav Sharma, Advocate for the complainant.

DEEPAK GUPTA, J.

In both the petitions titled above, prayer has been made for grant of anticipatory bail in case FIR No.83 dated 26.01.2023 registered at Police Station Samalkha, District Panipat under Sections 148/149/323/307/506 IPC and 25/54/59 of Arms Act.

2. FIR was lodged on the statement of Sunil Sharma, as per which on 25.01.2023 at about 09:30 PM, he along with his companions Satyawan and Yashdeep reached the office of Shayam Bareja as called by Jaipal son of Randhir. Manish Beniwal and Satish Kohad already present there, started fighting on account of some municipal elections. Satyawan and Yashdeep were injured in this fight. He (Sunil Sharma) took the said injured Satyawan and Yashdeep to SD Hospital, Samalkha, where during their treatment,

Manish Beniwal, his brother Monu, Satish Kohad, Sandeep Beniwal along with 15-16 persons, armed with weapons reached there and Yashdeep started beating him (Sunil). Satyawar was getting treatment inside the hospital, when some of the assailants went inside and started beating him. Manish and Satish were having guns and Satish with an intention to kill, hit him (Sunil Sharma) with handle grip of the gun.

3. It is submitted by both the petitioners, in their separate petitions, that they are not named in the FIR; that they were nominated on the basis of disclosure statement of co-accused Satish Kohad; that injuries to the complainant are attributed to Jaipal, Sandeep, Satish and Kuldeep, whose names and roles are specifically mentioned in the FIR and all of whom have been granted concession of regular bail. There is no medical opinion so as to attract Section 307 IPC; that no recovery is to be effected from them and so, they be allowed the benefit of anticipatory bail.

4. Opposing the bail petitions, learned State Counsel along with counsel for the complainant has drawn attention towards the reply filed by way of affidavit of Shri Om Parkash, Deputy Superintendent of Police, Samalkha, District Panipat detailing the facts, which emerges on investigation. Regarding petitioner Mohit Beniwal, it is submitted that he is duly named in the FIR by the alias name of Monu, as he is known as Monu alias Mohit. It is submitted further that during investigation, accused Satish and Jaipal were arrested and, on their interrogation, they specifically named the petitioners to be the co-assailants. Apart from this, CCTV footage of the rooms of Civil Hospital, Samalkha, District Panipat was taken. Since no weapon was found in the hand of any culprit, so Section 25 of Arms Act was deleted. However, both the petitioners are clearly visible in the CCTV

footage, having participated in the attack, supporting the disclosure statement of co-accused. It is further pointed out that as per the MLR, 8 injuries have been found on the person of Yashdeep and 5 on the person of Sunil. Two of the injuries to Yashdeep have been opined to be grievous in nature; whereas regarding two injuries on the person of Sunil, doctor has opined that these are incomplete due to deficiency of vision and fundus examination. Learned State Counsel along with counsel for the complainant submit further that role of both the petitioners having specifically emerged during investigation, as evident from the CCTV footage and the disclosure statement of the co-accused, so their interrogation is necessary and so, they do not deserve to be given the benefit of anticipatory bail.

5. Having considered submissions of both the sides, this Court is of the opinion that none of the petitioners deserve to get the benefit of anticipatory bail. Considering the submissions made by learned State Counsel and counsel for the complainant, based on the evidence collected during investigation, it cannot be stated that petitioners have been falsely implicated. They are visible at the spot in the photographs shown during hearing before this Court and also stated to be visible in the CCTV footage. Petitioners along with 15-16 persons attacked the complainant party in the hospital premises.

6. Having regard to above facts and circumstances but without commenting anything on the merits of the case, both the petitions are hereby dismissed.

May 04, 2023
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(DEEPAK GUPTA)
JUDGE

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