

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-33313-2023(O&M)

Date of Decision: 26.07.2023

Sahil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Rajesh Duhan, Advocate,
for the petitioner.

Mr. Gurbir S. Dhillon, A.A.G., Haryana.

Mr. D.K. Tuteja, Advocate,
for the complainant.

VIKAS SURI, J. (Oral)

CRM-29721-2023

This is an application under Section 482 Cr.P.C. for placing on record amended head note and prayer clause in terms of the prayer noticed in order dated 14.07.2023.

Notice of the application.

Mr. Gurbir S. Dhillon, A.A.G., Haryana, puts in appearance on behalf of the respondent-State. Mr. D.K. Tuteja, Advocate, puts in appearance on behalf of the complainant.

For the reasons given in the application, the same is allowed.

The amended head note and prayer clause are taken on record, subject to just exceptions. Registry is directed to carry out the necessary amendment and

accordingly update the digital record on the DMS.

CRM stands disposed of.

CRM-M-33313-2023

1. This is a petition under Section 438 Cr.P.C seeking anticipatory bail apprehending arrest in case FIR No.421, dated 04.12.2022 under Sections 148, 149, 323 and 506 IPC, registered at Police Station Sadar Rohtak, District Rohtak.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated on the disclosure statement of a co-accused while in custody. The petitioner is not named in the FIR, however, the Court below mistook a namesake, who is named in the FIR to be the petitioner, which is factually incorrect. He submits that the petitioner is ready and willing to join investigation.
3. *Per contra*, learned State counsel has opposed this bail petition and submitted that for proper investigation, custodial interrogation of the petitioner would be required. The weapon of offence is also to be recovered and the offences against the petitioner are of very serious nature, which can also be ascertained from the fact that leg of the victim had been brutally amputated with a sharp edged weapon and role of all involved persons in the crime has to be gone into. It is further submitted that four accused have been named in the FIR, who were accompanied by 4/5 companion, which would also be a matter of investigation. It has also been submitted that the petitioner has criminal antecedents as there are two other FIRs of similar

nature registered against him.

4. Learned counsel for the complainant has argued on similar lines and vehemently opposing the petition.

5. I have heard learned counsel for the parties and perused the record.

6. The offence alleged against the petitioner is of very serious nature keeping in view the injuries sustained by the victim. The weapon of offence is yet to be recovered and therefore, custodial interrogation of the petitioner is required for the purpose of investigation. In light of the factors peculiar to this case, I am of the view that no ground is made out for granting the concession of anticipatory bail, apprehending arrest at this stage.

7. Keeping in view the above, the present petition is, hereby, dismissed.

July 26, 2023
Harish

(VIKAS SURJ)
JUDGE

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