

215 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 39122 of 2023
Date of Decision: 19.09.2023

NARESH KUMAR

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Deepam Ragav, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

.....

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C the
petitioner is praying for anticipatory bail in the event of arrest in FIR
(Annexure P-2) detailed as under:-

FIR No.	Dated	Police Station	Sections
0228	17.06.2023	Bhuna, District Fatehabad (Haryana)	147,149, 186, 332, 353, 379-B and 506 IPC

2. It is *inter alia* contended by learned counsel for the petitioner
that the aforesaid FIR has been registered against the petitioner and other
accused at the instance of the complainant who happens to be a Conductor in
Haryana Roadways, after a delay of 2 days of occurrence. He states that the
story has been fabricated by the complainant in connivance with the police

and infact the petitioner is innocent and has no involvement in the said occurrence. He submitted that the petitioner is ready to join the investigation and prays for grant of concession of bail to the petitioner.

3. *Per contra*, the learned State counsel opposed the bail application by arguing that there are specific allegations against the petitioner that he along with co-accused had attacked the complainant with their respective sticks and caused multiple injuries to him and thereafter they ran away from the spot after snatching the bag of the complainant containing cash. He submits that other 3 co-accused have already been arrested and custodial interrogation of the petitioner is also required.

4. Considering the respective arguments and perusing the record it is observed that the present case was registered on the statement of Rajat, Conductor in Haryana Roadways stating that on 15.06.2023 while being on duty as Conductor on the bus driven by Bhagwan Dass, when they reached village Kunal bus stop then 9-10 young persons started entering the bus who were requested to allow the passengers to get down first but they started altercation, petitioner along with other co-accused gave stick blows on the person of the complainant and in the process caused multiple injuries to the complainant and during this scuffle, snatched the bag containing cash and government tickets and ran away from the spot. The complainant named the assailants including the petitioner. Admittedly, 3 other co-accused have been arrested and some recovery has been effected from them, whereas the petitioner has been evading the arrest. As per the learned State counsel the custodial interrogation of the petitioner is required for effecting the recovery.

5. Therefore, considering the nature and gravity of the offence and their being specific allegations against the petitioner of having caused injuries to the complainant (a Government Official) and having snatched his bag containing cash and Government bus Tickets, I find no case being made out in favour of petitioner for grant of anticipatory bail, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.09.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |