

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

101

2023:PHHC:102039

CRM-M-38659-2023

Date of decision: August 8th, 2023

Vivek Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Umesh Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.76 dated 12.06.2023 registered under Sections 307, 323, 148, 149, 506 of Indian Penal Code, 1860 registered at Police Station Phase-8, District S.A.S. Nagar.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, submits that though as many as five persons i.e. the co-accused were named therein and specific roles attributed to them, however, the petitioner was neither named nor any specific role attributed to him in the crime in question. He submits that the petitioner came to be nominated as an accused pursuant to a disclosure statement made by the co-accused. It has been vehemently submitted that such disclosure statement made by the co-accused does not have much evidentiary value. It has also been submitted that on the fateful day at

the relevant time, the petitioner could not have been possibly present at the place of occurrence, as he was on duty at his workplace.

3. I have heard learned counsel for the parties and perused the allegations levelled against the petitioner in the FIR in question.

4. A perusal of the FIR clearly reveals that all the accused along with 10-11 boys came to the spot on their motorcycles. All of them including the unidentified boys were armed with lethal weapons and on coming to the spot, they inflicted multiple injuries not only on the complainant but also on injured Prince. The injury inflicted upon Prince on his neck, which is a vital part of body of a person, was opined to be dangerous to life. The contention of the counsel that as per the attendance register, the petitioner had reported for duty at 10:00 PM would not come to his rescue because the occurrence in question had taken place at 9:00 PM. Furthermore, the petitioner was one of the unidentified boys who actively participated in the occurrence in question. A perusal of the FIR reveals that it was a premediated attack carried out by all the accused. Hence, in the wake of the allegations and injuries inflicted upon the complainant and injured Prince, the petitioner does not deserve the extraordinary concession of anticipatory bail.

5. The instant petition, therefore, stands dismissed.

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

August 8th, 2023

(MANJARI NEHRU KAUL)

Puneet

JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No