

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

**CRM-M No.42758 of 2023
Date of Decision: 31.10.2023**

Surender Singh @ Vinit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. S.S. Siao, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the instant petition, the petitioner has sought the relief of anticipatory/pre-arrest bail in the criminal case arisen out of the FIR bearing No.107 dated 13.02.2023 registered at Police Station Camp Palwal, District Palwal, under Sections 323, 354, 354-B, 452 and 506 read with Section 34 IPC.

2. Bereft of unnecessary details, the allegations, as levelled by the complainant-victim (here-in-after to be referred as 'P') in the subject FIR, are that on 11.02.2023, at about 11:00 PM/12:00 Midnight, the petitioner, along-with accused Gaurav and two more unknown persons, trespassed into her house and they gave her beatings with shoes and slapped her and also tore her clothes and then, she lost consciousness. At about 06:00 AM, she

made a phone call to her husband and informed him regarding the afore-said incident. Thereafter, the above-referred miscreants again barged in her house and they threatened that in case, she disclosed about the said occurrence to anyone, they would kill her.

3. Status-Report, as submitted on behalf of the respondent-State (by way of the affidavit of Additional Superintendent of Police, Palwal), along-with Annexures R-1 and R-2, is already available on the file and all these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that there is a delay of 02 days in lodging the FIR and this fact casts a shadow of doubt on the entire version of 'P' and moreover, no specific role in the alleged occurrence, has been attributed to the petitioner in the said FIR and in fact, the petitioner runs a grocery store near the house of 'P' and some amount was due to him from her ('P') and just to avoid the payment thereof, 'P' has got him falsely implicated in this case and in these circumstances, the petitioner deserves the relief, as prayed for in the instant petition.

6. Per-contra, learned State counsel argues that in view of the nature of the crime committed by the petitioner, this petition be dismissed.

7. As regards the contention qua the delay in lodging the FIR, it can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may

be led on the record during the course of the trial and the same cannot be decided at the stage of dealing with the present bail petition.

8. So far as the contention regarding no specific role having been attributed to the petitioner in the alleged occurrence is concerned, it is pertinent to mention here that in her statement as recorded under Section 164 Cr.P.C, 'P' has levelled categoric allegations against him to the effect that about one and a half month prior to the said occurrence, the petitioner came to the shop located near her house and run by his mother and abused her (mother) and on her intervention, he had an altercation with her and since then, he had been nurturing a grudge against her on this score.

9. Further, the contention qua any amount being outstanding against 'P' and the false implication of the petitioner in the criminal case under reference by her 'P' on this count, shall again be the subject matter for consideration and determination by the trial Court at the relevant stage in the light of the evidence that would be led on the record during the trial and the same cannot be dealt with while deciding the instant bail petition.

10. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand, being *sans* any merit, stands dismissed.

31.10.2023

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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No