

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on 18th of October, 2023
Pronounced on 30th November, 2023

CRM-M No.44031 of 2023 (O&M)

Narender Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Partap Singh, Advocate
for the petitioner.

Mr. Gaurav Bansal, Dy. Advocate General, Haryana.

PANKAJ JAIN, J.

Petitioner herein prays for grant of anticipatory bail in case FIR No.212, dated 3rd of June, 2022 registered for the offences punishable under Sections 323, 506, 34 IPC (Section 302 IPC added later on and Section 34 IPC was deleted) at Police Station Ram Nagar Karnal, District Karnal, Haryana.

2. Reply by way of affidavit of Veer Singh, HPS, DSP (City), Karnal has been filed on behalf of respondent-State in Court today. The same is taken on record.

3. As per the allegations levelled in the FIR it has been alleged as under :

“ xxx I am resident of the above address and I do domestic work, I

have two children one boy and one girl. I have studied upto to 10th Class. On 02.06.2022 at around 11.00 PM my husband Nand Kishore s/o Shiv Naryan aged 36 years was sitting on the ramp of the gate in front of our house, at the same time Narender s/o Dhan Kumar and his father Dhan Kumar, Narender who was carrying an axe his hand and Dhan Kumar who was carrying an iron rod in his hand, keeping an old enmity, Narender hit my husband Nand Kishore on the head with the axe holding in his hand, which hit him in the back of the head. My husband fell down after being hit by the axe. Dhan Kumar hit my husband on the head, hands and on the eye with an iron rod which is holding in his hand. He gave 2-3 blows with the iron rod on the head of my husband and my husband fell down and become unconscious. I tried to save my husband but they did not stop. They kept on hitting my husband. Hearing the noise of the quarrel when the neighbor comes out the assailants ran away alongwith their weapons (jar-van). They also said that today he is saved but we will kill him in the future. We had a fight with Narender's brother a year ago which was settled. I and my brother in law Ram Kumar, took my husband to GH KNL for treatment where our MLR was given to us and because of the injuries my husband was referred to KCUMC KNL. Action should be taken against Narender Kumar and Dhan Kumar.”

4. The aforesaid version has been reiterated by the complainant and the petitioner has been ordered to be summoned as additional accused by the Trial Court invoking Section 319 Cr.P.C. after investigating Agency granted him clean chit.

5. I have heard counsel for the petitioner and have gone through records of the case.

6. As per settled law laid down by Apex Court in **Gurbaksh Singh Sibbia vs. State of Punjab, 1980 (2) SCC 565**, reiterated in **Sushila**

Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5)

SCC 1 the Court while considering his prayer for pre-arrest bail has to consider as to whether the accusation appears to be actuated by mala fides, nature of seriousness of the proposed charges, the role attributed to the applicant and the probabilities of securing presence of the applicant during the course of trial and as to whether there is any apprehension that the applicant will tamper with the witnesses or evidence.

7. It is the aforesaid considerations which need to be balanced by the Courts while considering grant of pre-arrest bail.

8. When present case is viewed from the prism of afore-stated considerations, this Court finds that there is nothing on record to show that the allegations levelled against the petitioner are motivated. Thus, keeping in view the allegations levelled against the petitioner and the mode and manner in which he is alleged to have committed the present offence, this Court does not find it to be a case for grant of pre-arrest bail to the petitioner.

9. Resultantly, the present petition is dismissed.

November 30, 2023

Dpr

(Pankaj Jain)

Judge

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No