

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 45162 of 2023
Reserved on 21.09.2023
Pronounced on : 22.09.2023

DALBIR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

.....

SANJIV BERRY, J.

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-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
491	23.07.2023	148, 149, 323, 341, 365, 506, 120-B IPC	Sirsa City, District Sirsa

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that except naming the petitioner in the FIR, no specific role/injury has been attributed to him. 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 has opposed the bail petition and argued that as per reply dated 20.09.2023 filed by Deputy Superintendent of Police (HQ), Sirsa, District Sirsa, petitioner has been specifically named in the FIR and had inflicted injuries to the complainant with iron pipe and abducted the complainant alongwith his co-accused. During investigation, the involvement of the petitioner and co-accused has been established in the commission of the crime. He submits that the custodial interrogation of petitioner is required to recover the weapon and as such he prays for dismissal of the petition.

4. Considering the respective arguments and perusing the record, it transpires that the present case was registered on the complaint of Dev Bhatia stating that on 21.07.2023 at about 7-8 p.m while he was going on scooty, accused Pardeep and Rajesh intercepted his vehicle and meanwhile Dalbir came there and they started abusing. Then 3-4 other persons came and all the accused started beating him badly. As per the complainant, Pardeep and Dalbir were having iron pipes with which they gave multiple blows to the complainant while other persons gave fist and kick blows and thereafter they abducted him and took him to Jamal road where they tried to kill him and after giving him severe beatings, they left the complainant and ran away and the complainant was then admitted to hospital.

5. After considering the respective submissions and considering the reply submitted by the State, it transpires that specific attribution is there to the petitioner to have been instrumental in the abduction of the complainant and also causing him multiple injuries. The weapon used for

the commission of the offence is yet to be recovered for which the custodial interrogation is required.

6. Therefore, considering the nature and gravity of the offence, I find no case is made out in favour of the petitioner for grant of anticipatory bail, the petition is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

22.09.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |