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

**CRM-M-49476-2023 (O&M)
Date of decision : 03.11.2023**

Govinda

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Nain, Advocate,
for the petitioner.

Mr. Ashok S. Chaudhry, Addl.A.G., Haryana,
Inspector Tarsem Chand.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.314 dated 27.08.2023, under Sections 308, 323, 324, 506, 34 of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Kunjpura, District Karnal.

2. Allegations are that the petitioner along with other co-accused attacked the complainant-party and caused injuries with knives and ran away from the spot.

3. Learned counsel for the petitioner contends that he has been falsely implicated in the present case on the basis of disclosure

made by co-accused in police custody that alleged motorcycle used in the crime belongs to petitioner. Further contends that it is an admitted fact that petitioner was not present on the spot. Also contends that complainant himself admitted that the alleged motorcycle, which connects the accused with the offence, was without number-plate; so the story put forth by the prosecution is a concocted one.

4. Although, there is no formal notice of motion in this case; but learned State counsel, on instructions, submits that petitioner is owner of motorcycle used in the crime. Also submitted that petitioner is involved in two other criminal cases.

5. Heard both sides and perused the paper-book.

6. It transpires that petitioner is involved in 02 other criminal cases i.e. FIR No.162 dated 19.03.2022, under Sections 148, 149, 186, 332, 341, 353, 379-B of the IPC, registered at Police Station Civil Lines, Karnal; and FIR No.194 dated 19.03.2022, under Sections 148, 149, 323, 354, 379-B, 427, 452, 506 of the IPC, registered at Police Station Sector 32-33, Karnal. In the present case, allegations are that the motorcycle owned by petitioner was used in the commission of alleged crime. In such a scenario, to find out the truth, custodial interrogation of the petitioner would be the only way out.

7. In view of the above and keeping in view the antecedents of petitioner, there is no option except to dismiss the petition.

8. Ordered accordingly.

9. It is clarified that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.

10. Pending application(s), if any, shall also stand disposed off.

03.11.2023
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether reportable</i>	:	<i>Yes</i>	/	<i>No</i>