

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

CRM-M No.50472 of 2023
Date of decision: 6th October, 2023

Anoop Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sankalp Gehlawat, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.219 dated 09.05.2023 under Sections 147, 148, 149, 307, 323, 506, 120-B IPC and Section 25(1-B) of the Arms Act, 1959 registered at Police Station Civil Lines, District Hisar.

2. As per the allegations levelled in the FIR in question, on 08.05.2023 at about 7.00 p.m. when the complainant was inside his house, he heard the voice of his brother Aman (hereinafter referred to as, 'the injured') crying for help. On rushing to the rescue of his brother, i.e. the injured, the complainant saw the accused party inflicting injuries on the person of the injured with dandas, gandasis, handle of hand pump and bindas. One of the accused, Kartik was also armed with a pistol. On seeing the complainant, accused Kartik pointed the firearm towards him and fired, however, the bullet grazed past his thigh. On a hue and cry

raised, sister of the complainant also rushed to the spot, who too was not spared and was beaten up mercilessly. As several persons gathered there, the accused party fled away from the spot, brandishing their respective weapons, after threatening the complainant party of dire consequences.

3. Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-2, has submitted that though it was an eye-witness account, however, the petitioner was not named in the FIR and he came to be nominated as an accused only in the disclosure statement of the co-accused, who had been named in the FIR. It has been submitted that even otherwise, the only allegation levelled against the petitioner, even in the disclosure statement of the co-accused, was that he was present near the place of occurrence and had aided the co-accused to escape in his car. He submits that though it was abundantly clear that the petitioner was innocent and still further, even assuming for the sake of arguments though not conceded that he indeed was present at the place of alleged occurrence, no injury much less any other role had been attributed to him. Learned counsel submits that in the circumstances, custodial interrogation of the petitioner would not be necessitated, however, he was still willing to join investigation and cooperate with the investigating agency.

4. I have heard learned counsel for the petitioner and perused the relevant material on record.

5. No doubt, the petitioner was not named in the FIR in question and no specific injury has been attributed to him, however, he was

nominated as an accused in the disclosure statement allegedly suffered by the co-accused, who categorically stated that the vehicle, in which they escaped after committing the crime, was driven by none other than the petitioner. Furthermore, a perusal of the impugned order reveals that a CCTV footage of the place of occurrence was retrieved by the investigating agency, wherein the presence of the petitioner is clearly visible. This Court can also not lose sight of the fact and as not disputed by the learned counsel for the petitioner that he is involved in as many as 10 other criminal cases of similar nature. Hence, in the facts and circumstances as enumerated hereinabove, coupled with his involvement in a number of other criminal cases, the petitioner does not deserve the extraordinary concession of anticipatory bail.

6. Dismissed.

7. 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.

(MANJARI NEHRU KAUL)
JUDGE

October 6, 2023

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No