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

**CRM-M-57814-2023
Date of decision : 17.11.2023**

LOKESH KUMAR DHULL

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jitender K. Sehrawat, Advocate for the petitioner.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.819 dated 01.11.2023, registered for offences punishable under Sections 323, 427, 452, 506, 34 of the Indian Penal Code, 1860 at Police Station Azad Nagar, District Hisar, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

2. As per the contents of the FIR it has been alleged as under :

“To, The SHO, Police Station Azad Nagar, Hisar, Sir, it is request that I am Rishal Singh son of Sh. Ganpat Ram resident of Indrasar, District Churu. I came to Surksha Hospital, Rajgarh Road, Azad Nagar, Hisar, for my treatment. In the hospital at about 01:30 a.m. on 31.10.2023 three young boys came in front of hospital and main gate of the hospital was closed from inside and they were calling doctor came out from outside and on hearing that voice, I rushed from my bed and all three boys were banging upon the main door and I asked what happened after reaching the gate. Then they said where is the doctor and I said that the doctor had gone home for meal after seeing the patients.

On hearing this they broke the gate of hospital and started beating me and said call the doctor and I called the doctor through phone and thereafter they said that finished him, by the time doctor arrives. Thereafter, a boy threw me hard on the floor in front of the hospital gate with intention to kill me, thereafter, I stood up, then again thrashed me on the road then I started shouting loudly then they said furnished him and again thrashed me on the road and dragged me away and beat me and left me thinking that I dead and in the mean time many people came there and due to gathering of passerby all three boys fled away from the spot by sitting in the car bearing no.HR-21E-6635 and by going they said loudly that drive the car on it and also said that if the doctor not closed the hospital within two days, then we will burn alive the doctor in the hospital. Out of those boys, one boy wearing Red T-shirt and black pant, second boy wearing silver type pant-shirt and third was wearing white T-shirt, black pant. I can identify them if they will come in front of me. Thereafter, doctor got me admitted in the Govt. hospital after arraigning the vehicle. All three gave me injuries with intuition to kill me and broke my mobile and threatened the doctor to burn the doctor in hospital. The CCTV cameras installed in the Hospital. I will submit the footage of CCTV cameras. Legal action be taken. xxx”

3. Ld. State Counsel Mr. Gaurav Bansal, DAG, Haryana appears on advance notice on behalf of the respondent-State and submits that in view of the seriousness of the allegations levelled against the petitioner he does not deserve concession of bail
4. I have heard counsel for the parties and have gone through records of the case.
5. 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.

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

7. In the circumstances, keeping in view the manner in which the petitioner inflicted injuries and the fact that whole of the incident has been captured in the CCTV footage, this Court does not find it to be a case to grant discretionary relief of anticipatory bail to the petitioner.

8. Resultantly, the present petition is dismissed.

November 17, 2023

Dpr

**(Pankaj Jain)
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No