

Sr.No.103

2023:PHHC:164178

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

CRM-M-62082-2023(O&M)

Date of decision:19.12.2023

Rahul

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. S.S.Narwal, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Harpreet Kaur Jeewan, J.(Oral)

1. The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.321 dated 14.06.2020 registered at Police Station Mujesar, Faridabad under Sections 147, 149, 323, 324, 379-B, 354-A, 506 IPC.
2. Learned counsel for the petitioner submits that the petitioner was in custody in another case w.e.f 10.10.2020 to 29.11.2021. The case was registered on a false complaint given by Madan Lal and during the investigation co-accused Krishan @ Ved, Monu @ Pawan, Sonu Akash were arrested. Co-accused Nakul has joined the investigation and on completion of the formalities of investigation, even the final report was presented against the co-petitioner. However, the petitioner was never made to join in the present case during the period when he was in custody in another case. It is further contended that co-accused of the petitioner has been released on regular bail.

Ever since the registration of FIR on 14.06.2020, the petitioner has not been called upon by the police to join the investigation. The petitioner has only been attributed the fist and danda blow given to the complainant. The present FIR is a counter blast to the FIR registered by the main accused Krishan against uncle of the complainant's wife. Petitioner is ready to join the investigation.

3. Learned State counsel submits that there are serious allegations against the petitioner. Even he is a habitual offender and five other FIRs have been registered against him.
4. Learned counsel for the petitioner submits that out of the said FIRs, he has been acquitted in FIR No.501/2013, registered at Police Station Ballabgarh, Faridabad, under Section 160 IPC and FIR No.07/2011, registered at Police Station Sector-7, Faridabad, under Sections 302, 392, 34 IPC and Section 25 of the Arms Act. The petitioner is on bail in FIR No.372/2019 registered at Police Station Mujessar, Faridabad, under Arms Act and FIR No.680/2018 registered at Police Station Mujessar, Faridabad, under Sections 323, 427, 506, 34 IPC the petitioner is on bail.
5. I have considered the aforesaid contentions. The case was registered more than three years ago. As per the version of the complainant on 14.06.2020 at about 8:40 pm, he was going in his car towards his house. When he reached in the street of his house, 7-8 boys were standing there who stopped the car of the complainant when he had blown the horn. The complainant was beaten up. He was given fist blows, danda blows and even his wife was mishandled. Accused Krishan and Manish who were carrying a bottle, hit the bottle on the head of the complainant, however, he saved himself by bending, as a result the blow landed on his hand. As per the medical examination of the complainant

he has received 4 injuries including injury No.2 which is on the head and injury No.4 is on the chest, which are on the vital parts of the body.

6. The manner in which the alleged occurrence has been caused and keeping in view the number of injuries given to the complainant and that too on the vital parts of his body, it is not a fit case for grant of concession of pre-arrest bail to the petitioner, who is having previous history. As such the present petition stands dismissed.
7. Pending application, if any, shall also stand disposed of.

19th December, 2023
Shivani Kaushik

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No