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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 26 of 2024

Date of Decision:-19.01.2024

SAHIL

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Pooja Jaglan, Advocate,
for the petitioner

Ms. Gagandeep Kaur, DAG, Haryana.

SANJIV BERRY, J (ORAL)

By way of the 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
279	27.10.2023	148, 149, 323, 325, 506 IPC (395, 397, 452, 212, 120-B IPC added lateron)	Sanoli, District Panipat

2. Brief facts of the case are that Sanjay Kumar complainant presented a written complaint to the police stating that on 25.10.2023 he along with his brother Monu alias Maninder, had gone to the hermitage of Surender Shastri situated at village Sanoli, District Panipat for taking

horoscope of their kids and stayed at the hermitage, in midnight Anju, Sahil along with 10-12 other persons armed with lathi, danda, iron rods forcibly entered the hermitage and attacked upon them and looted gold chain from his brother, suitcase containing Rs. 2,50,000/- and horoscope of kids and gave severe beatings. Due to injuries Monu @ Maninder, Surender Shastri, and Radhey Shyam were admitted to IBM hospital and hence the FIR was registered.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that FIR was lodged after an unexplained delay of 2 days. He submits that co-accused Anju is wife of victim Surender Shastri and have strained relations. He submits that co-accused Anju has been granted concession of anticipatory bail vide order dated 26.12.2023 passed in CRM-M-65154-2023 by this Court (Annexure P-5) and the petitioner is ready to join the investigation, as such he prays for grant of concession of bail to the petitioner.

4. Per contra, learned State counsel has opposed the bail application by arguing that there is specific injuries attributed to the petitioner having caused with rod and attacked on the head of Surender Shastri besides snatching the cash, gold chain and other articles along with other co-accused from the spot. Hence, he prays of dismissal of petition.

5. After Considering the rival contentions and perusing the record it transpires that there are specific allegations against the petitioner of being member of unlawful assembly armed with iron rod and having trespass in the house of the complainant caused injuries on his head with iron rod and

took away the cash and other articles belonging to the complainant. In the said occurrence 3 persons sustained injuries and the recovery of the articles snatched is yet to be effected for which custodial interrogation of the petitioner is required.

6. In these circumstances, considering the nature and gravity of the offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent 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

19.01.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |