

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

231

2024:PHHC:016016

CRM-M-715-2024

Date of decision: February 6th, 2024

Naveen Kumar @ Nanna

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.226 dated 11.10.2023 under Sections 323, 458, 506, 148 and 149 of the IPC registered at Police Station Kharar, District S.A.S. Nagar.

2. Mr. Rahul Kumar Prashar, Advocate, has entered appearance on behalf of the complainant and has filed his power of attorney, which is taken on record.

3. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that there was documentary evidence in the form of a CCTV footage, wherein the presence of the petitioner along with a baseball bat clearly stood revealed at the place of occurrence. Learned State counsel assisted by learned counsel for the complainant while opposing the prayer and submissions has reiterated the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, however, learned

counsel appearing for the petitioner has submitted that the complainant party was having some business rivalry with the petitioner as they both were running a *dhaba*. A complaint had also been moved before the police by the petitioner-accused against the complainant on 12.10.2023 annexed as Annexure P-2, however, the police for reasons best known, had failed to initiate any action against the complainant and had chosen to proceed against the petitioner.

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

5. As per the allegations levelled in the FIR (Annexure P-1), the petitioner along with the co-accused trespassed into the *dhaba* of the complainant in the wee hours of 11.10.2023. All the accused were armed with lethal weapons with which they attacked the complainant and inflicted injuries on his person. *Prima facie*, the petitioner was an active participant in the occurrence in question and as per instructions received by the learned State counsel, his presence also stands reflected in the CCTV footage of the place of occurrence.

6. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

7. The instant petition stands dismissed.

8. 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.

February 6th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No