

102

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

**CRM-M-6958-2024 (O&M)
Date of decision : 20.04.2024**

Irfan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Farooq Abdullah, Advocate,
for Mr. Afzal Hussain, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.351 dated 28.06.2020, under Sections 323, 324, 341, 148 read with Section 149 (Sections 325, 302, 120-B added and Section 323 deleted subsequently) of the Indian Penal Code, 1860, registered at Police Station Mujesar, District Faridabad.

2. Above FIR was registered on the statement of Ankit s/o Mahavir Singh with the following allegations:-

It is requested that I Ankit son of Mahavir Singh is resident of Village Pawta, Faridabad and used to supply milk. Before 3-4 days an altercation had taken place between me and Abhishek son of Sheoraj resident of my village. Today I had to Ballabgarh from village for the delivery of the milk, when I reached near Sohna road Lal Kothi, Jai Ram son of Sohan Lal along with another boy stopped my motorcycle bearing registration no.HR-87-C-

7752 and extended beatings with danda being carried by Jairam in his hand. In the meanwhile, Abhishek son of Soraj, Nikke son of Tek Chand residents of village Pawta also reached there and who were also armed with dandas and after just reaching started beating me. I managed to save myself by running towards Ballabgarh. I made call to Police Control Room, time of occurrence about 6:30 AM. After one hour, I was coming back to my house. Then, Abhishek son of Soraj, Kuldeep son of Soraj, Nikke son of Tek Chand, Sunil son of Tek Chand, Jai Raj S/o Shyolal, Kallu son of Tek Chand along with two other boys present at same place. They stopped me and gave beatings to me. Abhishek stabbed me on my chest, Jai Raj inflicted injuries with iron rod. Others also extended me beatings. I lost my currency notes of Rs. 20,000/- on the spot during said occurrence and became unconscious. Thereafter, my family members reached there and brought me to BK Hospital, Faridabad for treatment where doctors provided treatment to me and now I am present at the police station.

3. Contends that petitioner is not named in the FIR; rather nominated on the basis of disclosure made by co-accused-Abhishek and no specific role has been ascribed to him. Also submits that petitioner is ready to join the investigation, but he be protected.

4. *Per contra*, learned State counsel while opposing the prayer, on instructions, submits that although petitioner is not named in the FIR, but it was specifically mentioned in the initial version that there were 02 other boys. As per disclosure of co-accused-Abhishek, one of them is stated to be the petitioner, who was driving the motorcycle. Further contended that non-bailable warrants were issued

twice against the petitioner, but not coming forward; thus, he does not deserve the concession of pre-arrest bail.

5. Heard learned counsel for the parties and perused the paper-book.

6. Allegations against the petitioner are that he along with other co-accused, hatched a conspiracy and committed the murder of informant-Ankit. Also transpires that informant was attacked on 28.06.2020 and during treatment, he succumbed to the injuries on 01.07.2020. As per prosecution case, petitioner was driving the motorcycle used in the alleged commission of crime; therefore, his custodial interrogation would be necessary to know the true facts.

7. Apart that, despite issuance of non-bailable warrants twice, petitioner is evading the process of law; hence, he does not deserve the concession of pre-arrest bail.

8. In view of the above, there is no option except to dismiss the petition.

9. Ordered accordingly.

10. The above observations may not be construed as an expression of opinion on merits of the case, in any manner.

11. Pending application(s), if any, shall also stand disposed off.

20.04.2024

atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :

Yes No

Whether Reportable :

Yes No