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

CRM-M-8378-2024

Date of Decision: 05.03.2024

Dev Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Johan Kumar, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Vikas Lochab, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.895 dated 17.12.2023, registered under Sections 148, 149, 323, 506 of IPC and Sections 326 and 307 IPC added later on, at Police Station Kundli, District Sonipat.

2. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and has been falsely involved in the present case, as he was serving as a Guard with a Resident Welfare Association of Kingsbury Flat, Kundli, District Sonapat. He further contends that the injured, in the present case, had come in a Flat No.404 to enjoy a party with certain girls and after consuming liquor, they started abusing in filthy language. Due to this, the residents of the flats were disturbed and they raised the alarm. Several residents of the society gathered there and found that the complainant was under the

influence of liquor. Learned counsel further contends that the injuries were caused by the residents of the society and the petitioner has been wrongly involved in the present case, being a guard in the society. Learned counsel further contends that even the residents of the society have submitted various representations to the local police for fair investigation in the present case, but no action has been taken, so far. He further contends that the petitioner was arrested in the present case and was granted the concession of regular bail on 18.12.2023. However, during the course of investigation, the offences under Sections 326, 307 IPC have now been added by the police and the petitioner apprehends arrest in the present case. He further contends that even as per the supplementary statement recorded by the police subsequently, no specific role has been assigned to the present petitioner and he has been simply shown to be one of the assailants in the present case.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner and submit that serious injuries have been suffered by Tarun and Ritesh. Learned counsel further submit that even a surgery is yet to be performed on Ritesh and the petitioner does not deserve the concession of anticipatory bail, by this Court.

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

5. The petitioner had earlier been granted the concession of regular bail on 18.12.2023. Now, the police has added the offences under Sections 326 and 307 IPC. Apart from that, no specific injury has been attributed to the present petitioner and it has been alleged that the petitioner was present alongwith other residents of the society, where the injuries were allegedly

caused to the injured, namely Tarun and Ritesh. The petitioner is ready to join the investigation in the present case.

6. Consequently, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

05.03.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No