

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.11959 of 2024

Date of Decision:07.03.2024

Abhishek @ Abhishek Bishnoi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.423 dated 12.12.2022 registered under Sections 147, 148, 149, 323, 379-B, 427, 452 and 506 IPC (Section 324, 302, 325, 120-B IPC and Section 25 of the Arms Act added later on) at Police Station Bhuna, District Fatehabad.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR nor any overt act is attributed to him. The injury caused to the deceased is specifically attributed to the co-accused Virender @ Bijender Pal @ Kaku and the petitioner has been nominated in the present case on the basis of the disclosure statement made by co-accused while in police custody, which is hit by Section 27 of the Indian Evidence Act. Similarly situated co-accused namely Suresh has been granted concession of anticipatory bail by the Coordinate Bench of this Court in CRM-M No.22135 of 2023 on 17.05.2023.
3. Ms. Geeta Sharma, DAG, Haryana, who appears on advance notice on behalf of the respondent-State, submits that the petitioner actually participated

in the alleged occurrence and his role has been established during investigation. The anticipatory bail applications of identically placed co-accused namely Vikas and Sandeep alias Monu have been rejected by this Court vide order 27.02.2024 passed in CRM-M No.10249 of 2024 and order dated 16.02.2024 passed in CRM-M No.8279 of 2024 respectively.

4. Having heard learned counsel for the parties and after perusing the record of the case, this Court finds no ground to grant anticipatory bail to the petitioner. The allegations leveled in the FIR are serious in nature and therefore, custodial interrogation of the petitioner is required. Consequently, the instant petition stands dismissed.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

March 07, 2024
Pankaj*

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