

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18162-2024
Reserved on 22.04.2024
Date of decision: 23.04.2024

Rohit ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by: Mr. Jagjit Singh Gill, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Amit Choudhary, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case having FIR No.199 dated 26.03.2024 registered under Sections 147, 148, 149, 323, 324, 427, 452, 506 of IPC and Section 326 of IPC added later on, at Police Station City Sirsa, District Sirsa.
2. The allegations in nutshell are that complainant Tejpal reported to the police that on 25.03.2024, it was holi and young boys of the locality were playing holi and were also making noise. Complainant desisted them not to apply colour to his son and asked them not to make noise. On this the said boys started arguing with the complainant and asserted that they would do so. Thereafter, at about 7 PM when complainant was present in his shop, co-accused Sharwan Kumar, Deep Lal, Arun Kumar, Sonu @ Mukri and present petitioner along with 9/10 other boys all armed with swords/wooden dandas

trespassed into his shop and attacked him. Arun Kumar and Deep Lal caused injuries on his both hands by giving sword blow and the accused persons also ransacked his shop. Complainant raised hue and cry on which his neighbors namely Sunil Kumar, Anil Kumar, Rohtash Kumar, Rakesh Kumar, Ajay Saini, Prince, Sandeep Kumar and Asha Devi came their to rescue him. However, the accused persons also caused injuries to them and they also damaged motor cycle bearing No.HR-24-AB-9691 which was standing outside the shop of complainant.

3. The counsel for the petitioner has submitted that petitioner is falsely implicated in the present case and no specific injury is attributed to the petitioner. It has been further submitted that actually co-accused Sharwan Kumar was attacked by the complainant when he was standing outside his shop and Sharwan Kumar sustained head injury. That thereafter, free fight took place between two groups and the entire occurrence was captured in the CCTV which was installed at the spot. It is further submitted that with regard to aforesaid injury sustained by co-accused Sharwan Kumar, police failed to take any action against the complainant. It has been further submitted that petitioner is ready to join investigation with the police.

4. On the other hand, the State counsel and the counsel appearing on behalf of the complainant has submitted that the alleged injury sustained by co-accused Sharwan Kumar is found to be superficial and simple in nature. It has been further submitted that unlawful assembly including petitioner attacked complainant and other persons. At that time, petitioner caused injury on left ear of Ajay Saini with sword and as per medical record, the said injury was found to be grievous in nature and that the entire occurrence was

recorded in CCTV which was available at the spot. The State counsel has further submitted that the aforesaid injury attributed to the petitioner attracts offence under Section 326 IPC and that petitioner is required by the police for proper investigation of the case.

5. I have considered the submissions made by counsel for the parties.

6. Petitioner is specifically named in the FIR. Further, as per statement of injured Ajay Saini dated 26.03.2024 recorded by the police under Section 161 Cr.P.C, petitioner caused injury on his left ear and head with the help of sword while the other co-accused gave him danda blows. As per police record, the said injury on left ear of Ajay Saini was found to be caused with sharp edged weapon and declared grievous in nature. Thus, there are serious allegations appearing on the record against the petitioner and recovery of weapon used by him in commission of crime is also to be effected. In the given circumstances, simple injury on head of co-accused Sharwan Kumar is of no help to the petitioner, at this preliminary stage of investigation. This Court is of the view that custodial interrogation of the petitioner is necessary for proper and effective investigation of the case.

7. In light of the above, It is held that no ground is made out to grant concession of anticipatory bail to the petitioner. Consequently, the present petition is hereby dismissed. However, any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

23.04.2024

Yogesh

(KARAMJIT SINGH)

JUDGE

Whether speaking/reasoned:-

Whether reportable:-

Yes/No

Yes/No