

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

**CRM-M No.20266 of 2024 (O&M)
Date of Decision: 24.04.2024**

Nikhil Nayar
..... Petitioner
Versus
State of Punjab
..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Binat Sharma, Advocate for the petitioner.
Ms. Manjot Kaur, AAG, Punjab for the respondent.
Mr. Vivek K. Thakur, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.35 dated 02.04.2024, under Sections 307, 323, 506, 120-B read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Nangal, District Rupnagar.

(2) Above FIR was registered on the basis of statement made by complainant-Ankur Chhabra with the allegations that on 01.04.2024 at about 9:20 PM, when he reached a little ahead of P.R.O. Chowk after closing his shop, a motorcycle on which three boys were riding came there. The driver of said motorcycle standing there by keeping the same in start position; whereas two other co-accused, namely, Ram Singh & Papli Sharma, armed with Iron

Rod and Stick (*Danda*), respectively, inflicted several injuries to the complainant on the instigation of petitioner.

(3) Learned Counsel for the petitioner contends that he has been falsely implicated in the present case and moreover, no injury has been attributed to him. Also contends that petitioner is ready to join the investigation; but he be protected.

(4) *Per contra*, learned State Counsel on instructions from ASI Keshav Kumar opposed the bail while submitting that petitioner is facing two other cases (one under the NDPS Act and another under Sections 452, 323, 506, 148, 149, IPC). Also submits that petitioner is on bail in another case of IPC; but despite that, he is found involved in the present case (third one) under Section 307, IPC along with other ancillary offences; thus, does not deserve the concession of bail.

(5) Learned Counsel for the complainant, while supporting learned State Counsel, also opposed the pre-arrest bail on the premise that petitioner is time and again threatening the complainant on account of the fact that he purchased the Shop adjoining to the shop of petitioner.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) There is no dispute that petitioner is involved in two other cases (one under the NDPS Act and another under Sections 452, 323, 506, 148, 149, IPC); but despite that, he is found involved in another/present case under Section 307, IPC. Therefore, in the opinion of this Court, custodial interrogation of the petitioner is very much required for a thorough investigation and to find out the true facts.

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

24th April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>