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

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Date of Decision : May 23, 2024

VIRENDER KUMAR @ GOLU**-PETITIONER****V/S****STATE OF HARYANA****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Bhavdeep Singh Mamli, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.557 dated 14.11.2023, under Sections 148, 149, 186, 332, 353, 506 of the IPC (Section 333 of the IPC added subsequently), registered at P.S. Agroha, District Hisar.

2. Succinctly stated, what constituted the bedrock for registration of the present FIR, was the statement made by one Updesh (hereinafter referred to as the 'complainant'), wherein, he alleged that, while he was on his official duty at Co-operative Bank, the petitioner along with his co-accused assaulted him with wooden sticks and caused injuries to him.

3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the petitioner has been falsely implicated in the present FIR, whereas, he has no concern with the allegations levelled in the

FIR. The present FIR is a counter blast to the complaint made by the

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petitioner/accused persons against the complainant and his accomplices, regarding abduction of co-accused Devender son of Gora Singh. In fact, on 12.11.2023, at about 07:30 p.m., several members of the Bachha Gang, including the complainant, forcibly abducted petitioner's co-accused Devender and took him to an isolated place, where they gave beatings to him. The petitioner informed the police in this regard by dialing 112 and got rescued his co-accused Devender. Even a complaint was also made in this regard, however, no FIR was registered thereon.

4. This Court has examined the record available before it and also considered the submissions made by the learned counsel for the petitioner, however, is not inclined to grant the extraordinary relief of anticipatory bail to the petitioner. The reasons for forming this inference are extracted hereinafter.

5. What emanates from the record available before this Court, is that, the petitioner is one of the main accused, who caused injuries to the complainant with wooden sticks, and, as per the MLR, the complainant has suffered as many as 17 injuries, out of which, injuries No.9 and 11 have been declared "grievous in nature". Moreover, except the present petitioner, who is avoiding his arrest since November 2023, all other accused persons nominated in the present FIR have been arrested.

6. Furthermore, the bald allegations of the petitioner that the present FIR is a counter blast to their complaint cannot be naively accepted by this Court, in the absence of any cogent material/evidence in support thereof. Nonetheless, even if the defence adopted by the petitioner is taken to be true, yet the petitioner and his co-accused do not become bestowed



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with any right to assault the complainant and cause grievous injuries to him. The petitioner and his co-accused had no right to take the law into their own hands.

7. For the reasons (supra), the asked for relief of anticipatory bail is declined to the petitioner and the petition is accordingly **dismissed**.

8. However, anything observed hereinabove shall neither be construed to have any bearing on the outcome of the trial, nor the trial Court concerned shall be influenced by any of the observations recorded herein.

May 23, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No