



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-27400-2024
Date of Decision : July 12, 2024

RAHUL @ JHOTKA

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kamal Chaudhary, Advocate
for the petitioner.

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

KULDEEP TIWARI, J. (Oral)

1. The petitioner, who is the main accused and mastermind and actively participated in the instant crime, has approached this Court, seeking relief of anticipatory bail in case FIR no.87 dated 27.03.2024 under Section 148, 149, 323, 341, 365, 367, 506 IPC, registered at Police Station Quilla Panipat.

2. It is a case where the victim has been abducted in a broad daylight, and thereafter, he was taken to a blind street, where he was given merciless beatings.



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3. The prosecution agency was set into motion, on the complaint made by one Rohit Kumar Saini S/o Surinder Kumar, wherein, he made the following allegations:-

“It is stated that I am Rohit Kumar Saini S/O Surinder Kumar saini resident Saini colony Panipat, Haryana, India, age 30 and PH. NO. 7404935055. I work as a labourer. That on 26.03.2024 I was going with my friend Ankush S/O Vedprakash resident of ward no. 11, Panipat, from Mata Chownk towards Ram Lal School on a motorcycle which I was driving. That around 3:00 PM Rahul @Jhatka, Viky Saini, Deep, Akku and one more unknown person stopped us on our way before Shriram Washing Service Station, further to which Rahul Jhatka told others present to take me with them. Therein by abducting, they took me to a narrow street where they started beating me with sticks and gave various injuries. That after raising an alarm for help, a few people came by for help, after which they all along with their weapons, fled away and threatened to kill me the next time. Rahul @Jhatka along with his friends Vikky Saini, Deepa, Akku and one more person whose name is unknown abducted me and gave me several injuries. Kindly take strict action against the above-named accused persons.”

4. A co-ordinate Bench of this Court on 28.05.2024 issued notice to the State and in deference reply by way of affidavit by DSP Traffic-cum-Panipat dated 04.07.2024 , has been filed which is taken on record.

5. A study survey of the reply reflects that after registration of the FIR (supra), the investigation was carried out and on dated 11.04.2024, opinion with regard to the injuries was obtained and injuries no. (ii) and (iii) suffered by the complainant were stated to be grievous in nature and injuries no. (i), (iv) and (v) were stated to be simple in nature. Therefore, in view of



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the allegations and the nature of the injuries suffered by the complainant, the prosecution agency added the provision of Section 367 IPC. The photographs of the injuries suffered by the complainant were taken into possession, which were produced by the brother of the complainant. The investigation of the instant case was subsequently transferred to CIA-1, Panipat.

6. During investigation on dated 29.05.2024, co-accused Vicky Saini and accused Aakash alias Akku, were arrested and they made disclosure statements, which lead to recovery of weapon of offence i.e. wooden pati in pursuance of their disclosure statements. On dated 31.05.2024, accused Deepak alias Deepu and Montu alias Abhay, were also arrested, and made their respective disclosure statements and in the similar fashion got recovered weapon of offence, which was allegedly used by them in the commission of crime.

7. In the reply, as filed by the State, the role of the petitioner as surfaced during investigation, which is mentioned in Para no.3, which reads as under:-

*“That the **role of the petitioner** is that he is specifically named in the FIR for abducting the complainant and for giving merciless beatings to him at one closed street. It was also alleged by the complainant that he and other co-accused beaten him by using dandas*



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and lathis. During investigation, injuries suffered by complainant were found to be grievous in nature.”

8. The antecedents of the petitioner have also been mentioned in para no. 5 of the reply, which read as under:-

“5. That the petitioner is also found to be involved in four other FIRs as per the police records verified by the investigating officer pertaining to him. They are:

(i) FIR No. 6 dated 11.01.2024 under section 148, 149, 323, 325, 506, 120-B of IPC registered at P.S Quilla, Panipat. Petitioner is on bail in this case.

(ii) FIR No. 443 dated 26.08.2020 u/s 148, 149, 145, 323, 379-B, 427, 506 of IPC registered at P.S Quilla, Panipat. The petitioner was acquitted in this case vide judgment dated 26.02.2024.

(iii) FIR No. 221 dated 19.04.2018 u/s 148, 149, 323, 506 of IPC registered at P.S Quilla, Panipat. The petitioner is on bail in this case.

(iv) FIR No. 477 dated 16.09.2020 u/s- 148, 149, 323, 506 of IPC, P.S Quilla, Panipat. The petitioner is on bail in this case.”

9. The learned counsel for the petitioner in the asking for the relief of pre-arrest bail states that, the petitioner was not present at the spot and is not seen in the CCTV footage and because of the previous enmity, the petitioner is being dragged in the present matter.

10. This Court has considered the rival contention made by the learned counsel for the parties concerned and is of the view that the petitioner



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does not deserve the relief of pre-arrest bail on the ground that co-accused who were on better pedestal than the present petitioner have been arrested and are behind the bars whereas, the present petitioner is alleged to be main mastermind who not only abducted the victim but also caused grievous injuries to the victim with the help of other co-accused. The victim has suffered 2 fractures on his leg and forearm.

11. Finally the antecedents of the petitioner are also not clean as he is stated to be involved in 4 more criminal cases.

12. In view of the above, this Court do not find that the petitioner can be granted extra-ordinary relief of pre-arrest bail, therefore, the instant petition is ordered to be **dismissed**.

13. It is made clear that the above observation made by this Court is only for the purpose of evaluating the claim of the petitioner for granting him the relief of pre-arrest bail.

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(KULDEEP TIWARI)
JUDGE

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