

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

.... Petitioner

.... Respondent

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and that too on the basis of a disclosure statement suffered by co-accused Nitish @ Nitesh; the evidentiary value of such disclosure statement is of weak nature and is in fact inadmissible in evidence. It has been further contended that even as per the disclosure statement on the basis of which the petitioner has now been nominated as an accused, the only role attributed to him was of being handed over the weapon of offence i.e. an iron rod, by the accused after the crime in question. It has still further been argued that neither the



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petitioner was present at the place of occurrence nor has been attributed any role much less any injury upon the complainant. In the circumstances, the petitioner be extended the concession of anticipatory bail as he is ready to join investigation and cooperate with the investigating agency.

3. Learned State counsel, however, has vehemently opposed the prayer and submissions made by the counsel opposite by inviting the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1. It has been submitted that in the occurrence in question as many as 20 persons came to the house of the complainant in two cars; some of the assailants have criminal antecedents and were out on parole on the date of occurrence. After trespassing into the house of the complainant, they attacked him and his family and thereafter kidnapped one Ram Mehar, who was then taken to the dairy of co-accused Nitish where he was threatened with dire consequences. People from the neighbourhood intimated the police, who arrived at the spot and saved the complainant and others from the accused persons. Besides this, the accused party while fleeing stole mobile handset, motorcycle, scooty and certain gold ornaments from the house of the complainant. It has also been submitted on instructions that the investigating agency had retrieved CCTV footage from the vicinity of the place of occurrence wherein all the accused including the petitioner were seen inflicting injuries upon the complainant and Ram Mehar.

4. Heard learned counsel for the parties and perused the relevant material available on record.



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5. *Prima facie*, it appears to be a pre-mediated attack wherein all the accused came to the spot armed with lethal weapons in two cars and thereafter, inflicted multiple injuries on the complainant and Ram Mehar. There are serious allegations levelled against the petitioner of being an active participant in the crime in question; though he has been nominated as an accused on the basis of disclosure statement allegedly suffered by co-accused, however, his presence at the place of occurrence is reflected in the CCTV footage.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extra-ordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.07.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No