

SUSHIL

... PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr.D.S. Virk Advocate, for the petitioner.
Ms. Gaganpreet Kaur, DAG, Haryana.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 of Cr.P.C, the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
62	04.03.2024	341, 323, 324, 307 and 506 read with Section 34 IPC	Sadar Tohana, District Fatehabad

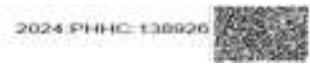
2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act is attributed to the petitioner and he has no criminal antecedents, hence prayed for grant of anticipatory bail to the



petitioner.

4. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner has been specifically named in the FIR and he has been attributed the injury on the chest of the injured Ajay having been caused by ice pick (sharp edged tool) which was declared dangerous to life. He submits that custodial interrogation of the petitioner is required to recover the weapon used in the crime, hence prayed for dismissal of the petition.

5. After considering the arguments and perusing the record, it is observed that the instant FIR was registered on the statement of Satnam Singh stating that on 03.03.2024 he alongwith his friends were playing Kabaddi in the village including injured Ajay then at about 2:00 PM while they were going towards village Laluwal to Dhani Lakhu then all of sudden a dog came in front of their car as a result of which they applied brakes. Aggrieved by this one Partap Singh (owner of the dog) who was on motorcycle stopped his motorcycle in front of their car and started abusing, many people gathered from near by village, in the meanwhile petitioner Sushil alongwith co-accused Balwan also reached the spot who happens to be the brother of said Partap singh and started abusing and beating. Then Partap Singh gave danda blow on his hand followed by Sushil giving ice pick blow on chest of Ajay, as a result blood started oozing out from the chest of Ajay, seeing this the assailants ran away from the spot giving threats of dire consequences. It further transpires from the record that there is specific allegation against the present petitioner of having given ice pick blow on the chest of the Ajay, which is vital part of the body and this injury



has been declared to be dangerous to life. The weapon of offence is yet to be recovered from the petitioner for which custodial interrogation of the petitioner is required. Therefore, considering the nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

22.10.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |