



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

221

CRM-M-31263-2024 (O&M)  
Date of Decision:- 01.08.2024

SHEELU ALIAS SUSHIL KUMAR

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present : Mr. B.S. Beniwal, Advocate for the petitioners.  
Mr. Surender Singh, AAG Haryana.  
Mr. Sandeep Kotla, Advocate for the complainant.

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**SANJIV BERRY, J. (ORAL)**

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

| FIR No. | Dated      | Sections                         | Police Station            |
|---------|------------|----------------------------------|---------------------------|
| 175     | 11.06.2024 | 147, 149, 323, 325, 452, 506 IPC | Bhuna, District Fatehabad |

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner had never participated in the alleged occurrence and the complainant had named him without any reason just to harass him as the son of the complainant had performed inter-caste marriage by abducting a girl from the village. He submits that the petitioner is ready to join

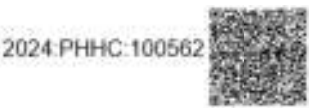


investigation and has prayed for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report submitted by State has opposed the petition by arguing that the petitioner was specifically named by the complainant of having caused grievous injuries to him with wooden sticks (*dandas*) along with other co-accused. He further submits that the presence of the petitioner at the spot is duly corroborated from CCTV footage collected from the place of occurrence. Hence, the custodial interrogation of the petitioner is required to recover the *dandas* used in the commission of offence, hence, prayed for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 11.06.2024, when the complainant and his wife were present at their house, the petitioner along with other co-accused armed with wooden sticks (*dandas*) entered their house and gave beatings to him, however, on raising noise, the assailants ran away from the spot but threatened to kill the complainant in future. The complainant/victim was moved to the hospital and as per the Medico-legal report, the complainant has suffered 9 injuries out of which, injuries Nos.1 to 4 were grievous in nature.

5. During the course of investigation, the police has collected the CCTV footage of the spot and the petitioner along with other co-accused (who had muffled faces) can be seen clearly attacking the complainant with *dandas*. Moreover, as per the status report filed by the State, the petitioner is involved in 5 other criminal cases of similar nature, which indicates that the



petitioner is a habitual offender.

6. Therefore, considering the nature of injuries inflicted upon the complainant and the fact that the presence of the petitioner at the spot is not disputed as he is clearly seen in the CCTV footage and the recovery of *dandas* used in the commission of offence is yet to be effected, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

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

(SANJIV BERRY)  
JUDGE

01.08.2024  
S.Sharma(syr)

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