



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-31637-2024 (O&M)
Date of Decision:- 30.07.2024

ARVIND

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Prateek Rathee, Advocate for the petitioner.
Mr. Surender Singh, AAG Haryana.

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
51	19.02.2024	148, 149, 323, 325, 379-B, 506 IPC (120-B IPC added later on)	Dharuhera, District Rewari

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 and has no concern with the alleged occurrence but has been nominated on the basis of disclosure statement made by co-accused Rahul and Yashpal @ Honey. He contends that the petitioner is ready to join the investigation and



prays for grant of anticipatory bail.

3. *Per contra*, learned State counsel, while referring to the status report submitted by the State has opposed the petition by arguing that the petitioner was the mastermind of the entire occurrence and his involvement in the crime has surfaced during the interrogation of co-accused Rahul, who had categorically made a statement to the police that the entire occurrence was executed at the instance of the present petitioner and his presence at the spot is evident from the electronic evidence collected from the spot. He contends that the involvement of petitioner in the entire occurrence is further revealed from the fact that on 19.02.2024, the petitioner along with co-accused Yashpal @ Honey, Rahul and Manoj had visited the hospital where the victims were under treatment and had intimidated them leading to registration of another FIR No. 68 dated 21.02.2024 at Police Station Model Town, Rewari and the CCTV footage collected from the hospital, confirmed the presence of the petitioner in the crime. He submits that the petitioner is a habitual offender having 12 other FIRs registered against him, however, in some of the cases he has been acquitted. He submits that the custodial interrogation of the petitioner is required, hence, prayed for dismissal of the petition.

4. After considering the rival contentions and perusing the record it transpires that the instant FIR was registered on the statement given by the complainant, a carpenter, to the effect that on 18.02.2024, he received a telephone call from one Honey asking him to do fitting work in his kitchen, and accordingly he along with his brother went to Village Budana on their



motorcycle. When they reached near Peer Baba Budana, a Santro car came from backside and hit their motor cycle. As a result, they fell down and the assailants came out of the car, armed with *dandas* and iron pipes and started beating them. It is stated that the assailants snatched the mobile phone of the complainant and his brother and left the spot after threatening the complainant to not inform the matter to the police. On the basis of the aforesaid information, the present FIR was registered on 19.02.2024 and the accused named in the FIR were arrested. Subsequently, on 29.02.2024, co-accused Rahul was arrested and in his disclosure statement, he had categorically stated that they had caused injuries to the complainant and his brother on the asking of the present petitioner. Co-accused Yashpal @ Honey also disclosed that he had made a video of the crime on his mobile at the instance of the petitioner. Further, it is categorically mentioned in the status report filed by the State that the presence of the petitioner at the spot is also established by the electronic evidence collected during investigation and there is specific assertion in the disclosure statement made by co-accused Rahul that the videography of the occurrence was done at the instance of petitioner with a view to show it to the complainant to extort money from him. It is further on record that another FIR bearing No.68 dated 21.02.2024 was registered at Police Station Model Town, Rewari against the petitioner and other co-accused Yashpal @ Honey, Rahul and Manoj, of having visited the hospital where the victims were under treatment and intimidated them, which fact was also captured in the CCTV footage collected by the police, wherein the petitioner is visibly seen participating in the occurrence.



5. Therefore, considering all these aspects and also the criminal antecedents of the petitioner, coupled with, nature and gravity of offence. It is observed that the custodial interrogation of the petitioner is required and no case is made out in favour of the petitioner for grant of anticipatory bail. As a consequent, present petition stands dismissed.

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

(SANJIV BERRY)
JUDGE

30.07.2024
S.Sharma(syr)

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