



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CRM-M-31724-2024
Date of decision: August 5th, 2024

Sahil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Pankaj Nanhera, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

Mr. Vijay Pa and Mr. Ashish Kaushik, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.180 dated 27.03.2024 under Sections 147, 149, 323, 341, 427 and 506 (Sections 325 and 379-B added later on) of the IPC registered at Police Station HTM Hisar.

2. Learned counsel for the petitioner contends that the petitioner was not present in the vehicle driven by co-accused Jagbir Hooda, a police officer, at the time when it collided with the car of the complainant. Instead, the petitioner arrived later at the scene and, upon witnessing co-accused Jagbir Hooda engaged in a physical altercation with the complainant, attempted to intervene and de-escalate the situation. Although the video footage shows the petitioner pushing the complainant, however, learned counsel submits that even assuming the version of the complainant to be true, though not conceded, the injuries attributed to him

were simple in nature. It has still further been argued that the case of the

prosecution hinges solely on documentary evidence, therefore, the custodial interrogation of the petitioner would not be required.

3. Status report by way of affidavit of Deputy Superintendent of Police, Hisar, has been filed in Court, which is taken on record.

4. *Per contra*, learned State counsel assisted by counsel for the complainant, have vehemently opposed the prayer and submissions made by the counsel opposite. It has been asserted that the petitioner was travelling with co-accused Jagbir Hooda in a police vehicle; the petitioner actively participated in the occurrence, attacking the complainant with bricks alongside co-accused Jagbir Hooda, who was in an inebriated condition, as a result, the complainant sustained multiple injuries on his person, including a grievous laceration on the occipital region. It has been argued by learned counsel for the State as well as the complainant that the present case was one of those very severe and disturbing instances of road rage, wherein a serving police official was involved. Furthermore, it has been argued that there is documentary evidence, in the shape of a mobile video recording, showing the petitioner actively participating in the incident and inflicting injuries on the complainant along with the co-accused. Learned State counsel, on instructions, has also contended that in addition to the role attributed to the petitioner in the present case, the petitioner has criminal antecedents as it is a matter of record that he is involved in three other criminal cases, which thus, disentitles him from being extended the extraordinary concession of anticipatory bail.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Before proceeding further, it would be apposite to

reproduce the allegations levelled in the FIR, which are as under:-

“Statement of Sandeep Kumar son of Rajendra Singh caste Urban Estate, Hisar, presently House No. 154, Surajmal Enclave, Hisar, aged about 42 years, M. No. 9253018797. Stated that I am a resident of the above mentioned address. I am posted as JBT teacher at Village Hijrawan Kalan, District Fatehabad. On 25.03.2024 at about 6.30 in the evening, I was travelling from my house towards Jindal Chowk, Hisar in my car bearing registration no. HR20Y9100 make Tata Harrier. My neighbor Sachin son of Jainarayan resident of Surajmal Enclave, Hisar was accompanying me. I was myself driving the car. When I reached near railway bridge Hisar, my car was hit from behind by a police car Tavera No. Due to the collision, I parked my car on the side and got out, when a person alighted the Tavera Car and came to me and told me that his name is Jagbir Hooda and he is an Inspector in the Haryana Police. This man was heavily drunk and three other persons were also consuming liquor in his car. Jagbir said to me that his official vehicle has been damaged and demanded an amount of Rs. 5,000/- for getting it repaired. I told Jagbir Hooda that you have hit my car with your car from behind and I am not at fault. Thereafter, Jagbir Hooda along with his three accomplices restrained me and he made a phone call and called four-five more boys and all of them jointly, after quarrelling with me started beating me. Jagbir Hooda picked up a brick from below and hit my face on the left side and the remaining three boys caused injuries on my nose, throat, eyes with bricks, slaps and punches. Blood started flowing from the nose and mouth and I fell down on the ground due to the heavy injuries. Then Jagbir and all his accomplices hit me with their legs, punches and bricks and Jagbir Hooda snatched Rs. 7000/- from my pocket and his accomplice Gaurav Chauhan snatched the gold chain worn by me on my neck. When my companion Sachin made an effort to get me released then Deep and Sahil beat him up and snatched money from his pocket. After hearing the noise from the fight, one Satyanarayan Punia, a Contractor, came to save me then his phone was also snatched and one of the boys put it in his pocket. One Vikas Hooda tried to save me from these people and when he was making me sit in his car, then all of them jointly stopped the car and Gaurav Chauhan and Deep

Kali Ravan broke the glasses of the car by hitting them with bricks. Then Jagbir Hooda took out his revolver and said that! am going to kill you and in case, you tried to save him, I will kill all of you. Thereafter, Vikas Hooda made me sit in his car and got me admitted at Jindal Hospital, Hisar for my treatment, where my treatment is going on. Jagbir along with his accomplices Deep Kali Ravan, Gaurav Chauhan and Sahil Saini and 4-5 unknown persons fought with me and caused injuries to me without any reason and have snatched money and chain. You are requested to take appropriate legal action against them.”

7. *Prima facie*, there are serious allegations against the petitioner, who along with the co-accused, while traveling with co-accused Jagbir Hooda, a serving police official, in a police vehicle, caused multiple injuries to the complainant. The allegations *prima facie* find corroboration with the video recording as well as the Medico Legal Report of the complainant. Furthermore, this Court cannot turn a blind eye to the petitioner’s criminal antecedents as he comes across as a habitual offender, who has been regularly engaging in criminal activities.

8. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the extraordinary concession of anticipatory bail.

9. The instant petition stands dismissed.

10. 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.

August 5th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No