



CRM-M-34074-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-30970-2024 in/and
CRM-M-34074-2024
Date of Decision : 05.08.2024

Rajender Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Jasbir Mor, Advocate
for the applicant-respondent No. 2

Mr. V.D. Sharma, Advocate
for the petitioner

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

CRM-30970-2024

This application has been filed under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 for impleading the complainant – Anil as party respondent No. 2.

In view of the averments made in the application, the same is allowed. Complainant-Anil is impleaded as respondent No.2 in the petition.

Amended memo of parties is taken on record.

CRM-M-34074-2024

1. Prayer in the present petition filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner, in case FIR No.0178 dated 16.06.2024, under Sections 147, 148, 149, 323, 341, 307 and 506 IPC registered at Police

**CRM-M-34074-2024 (O&M)****2**

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and there was scuffle between the complainant and other accused and the petitioner being Pardhan was called for settlement but falsely involved in this case by the complainant.

3. Reply by way of an affidavit of Sh. Amit Bhatia, HPS, Deputy Superintendent of Police, Narwana, District Jind on behalf of respondent-State has been filed in the Court today. The same is taken on record.

4. Learned State counsel submits that the petitioner/accused Rajender Singh is the main accused in the present FIR and has been identified in the CCTV footage and according to the CCTV footage, the accused/petitioner was seen instigating the other co-accused to inflict injuries to the complainant and his friends. After taking this evidence on file, Section 114 IPC was invoked in this case. It has also been stated that the accused/petitioner is habitual offender and he is involved in other cases of serious nature.

5. The cases registered against the accused/petitioner Rajender Kumar are as following:

a) FIR No. 183 dated 06.08.2016 under section 68 Punjab Excise Act at P.S City, Narwana. That accused/petitioner was declared proclaimed offender in this case. That the accused/petitioner was convicted in this case by the court of Sh. Vishal SDJM, Narwana vide judgment dated 08.03.2022

b) FIR No. 202 dated 01.08.2022 under section 174A IPC at P.S City, Narwana. This case is pending in the court of Sh. Sandeep Kumar, SDJM, Narwana which is fixed for dated 11.10.2024 at the stage of Prosecution Evidence.

c) FIR No. 345 dated 17.12.2021 under section 174A IPC at P.S City, Narwana. This case is pending in the court of Sh. Sandeep Kumar,

**CRM-M-34074-2024 (O&M)****3**

SDJM, Narwana which is fixed for dated 21.10.2024 at the stage of Prosecution Evidence.

6. Learned State counsel further submits that only one accused namely Raju S/o Ramphal is arrested till date out of total number of ten accused in this present case. That the arrest of other co-accused is still pending and the case is at investigation stage.

7. Learned counsel for the complainant has vehemently argued that the petitioner is the main accused who alongwith other co-accused came to the hospital and raised quarrel with the complainant Anil and his friend. It was only after receiving a signal from the petitioner that the other assailants, who were sitting in the vehicle came alongwith lathi and danda and started inflicting injuries to complainant Anil and Shamsher Singh. The accused/petitioner Rajender Singh alongwith other co-accused gave lathi blows on the head of Shamsher Singh, as a result of which he sustained grievous hurt on his head.

8. This Court has considered the rival submissions made by learned counsel for the parties.

9. In view of the submissions made, without adverting anything on the merits of the case, this Court is of the considered opinion that in order unearth the true dimensions of the alleged crime, the police requires custodial interrogation of the petitioner in this case. Hence, the petitioner is not entitled for the concession of anticipatory bail and, accordingly, the petition is dismissed.

05.08.2024

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**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No