

RAAKESH @ RAKESH @ JONY

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gurmeet Singh Saini, Advocate, for the petitioner.
Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J (ORAL)

Learned counsel for the State has filed status report by way of an affidavit dated 07.08.2024 of Deputy Superintendent of Police, HQ Hisar, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 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
145	13.03.2024	279, 332, 186, 353 IPC (120-B IPC added later on)	HTM, Hisar, District Hisar

3. Brief facts of the case are that a secret information was received on 13.03.2024 about the supply of narcotic substance from Delhi side.
Finding information reliable, naka was laid down and about 6:00 am two



cars make Ciaz and Skoda were seen coming from Delhi side, both vehicles were signalled to stop but the drivers of the vehicles rammed their vehicles into the barricades at a very high speed and tried to flee away. Car No. DL 2C AT-7760 Skoda was taken into custody in which two youths were sitting and during investigation they disclosed their names as Dheeraj and Gurdatt Singh both of them disclosed that their friend Jony was sitting in the second car(Ciaz) and he knows about the other youths sitting in his car, which fled away from the spot. Car No.HR 26-CT-7148 Ciaz hit the barricades and EASI Ram Diya No.925/Hsr. who was standing at naka sustained injuries and was admitted to the hospital. The occupants of the above mentioned cars broke naka by driving their vehicles at a very high speed, in a rash and negligent manner and created obstruction in Government Duty and have inflicted injuries to Government employees. With these allegations FIR was registered.

4. Learned counsel for the petitioners *inter alia* contends that the petitioner is innocent and has been falsely been implicated in this case. He contends that the petitioner was not named in the FIR but was nominated on the basis of alleged disclosure statement of co-accused Dheeraj and Gurdatt to the fact that petitioner was driving one of the cars at the time of occurrence. He submits that petitioner is ready to join the investigation, as such prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel has assailed these arguments by referring to the reply dated 07.08.2024 and contends that during the occurrence Dheeraj and Gurdatt Singh were arrested and both of them disclosed that their friend Jony was driving the second car Ciaz No.HR26-



CT-7148 and they had hatched a conspiracy for smuggling opium from Hotel Exotika Resort, Kota (Rajasthan) (Annexure R-2). He submits that during investigation the record of the aforesaid Hotel was checked and it was found that in the entry register of Hotel Exotika Resort, Kota, there is entry of petitioner alongwith other co-accused and photocopies of their ID cards were also submitted in the Hotel during check in (Annexure R-3). He submits that petitioner was driving Ciaz car bearing No.HR-26 CT 7148 and broke the barricades, obstructed the police officials from their duties and caused injuries to EASI Ram Diya and as per MLR (Annexure R-1) injured EASI Ram Diya sustained 05 injuries. He submits that petitioner had obstructed the government officials from their duties and injured one of them as well as to recover the narcotic substance, custodial interrogation of the petitioner is required, as such, they prayed for dismissal of the present petition.

6. After considering the rival contentions and perusing the record, it transpires that petitioner was nominated on the disclosure statements of co-accused Dheeraj and Gurdatt Singh, who were arrested at the spot and both of them disclosed that their friend Jony was driving the second car Ciaz No.HR26-CT-7148 and they had hatched a conspiracy for smuggling opium from Hotel Exotika Resort, Kota (Rajasthan) (Annexure R-2) and during investigation the record of the aforesaid hotel was checked and it was found that in the entry register of Hotel Exotika Resort, Kota there is entry of petitioner along with other co-accused and photocopies of their ID cards were also submitted in the Hotel during check in (Annexure R-3). Moreover, the car run by the petitioner in a rash manner broke the barricades and



obstructed the government officials from their duties and caused injuries to EASI Ram Diya and as per MLR(Annexure R-1) injured EASI Ram Diya sustained 05 injuries, therefore, custodial interrogation of the petitioner is required.

7. Resultantly, without commenting on the merits of the case, it is observed that petitioner is not entitled to the relief of anticipatory bail. Therefore, finding no merit in the petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

07.08.2024
Gyan

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