



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

239-2

CRM-M-36179-2024

Date of decision: 13.09.2024

Umesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Jain, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.102 dated 17.03.2024 under Sections 147, 148, 308, 323, 325, 341 and 506 of the IPC (Sections 325 and 308 of the IPC added lateron), registered at Police Station DLF, District Gurugram.

2. Learned counsel for the petitioner asserts that the petitioner has been falsely implicated in the present case for allegedly causing grievous injuries to the complainant. Learned counsel has directed this Court's attention to the FIR which has been annexed as Annexure P-1 and has argued that a bare perusal of the same reveals that the petitioner is neither named therein nor is there any allegation against him of inflicting any injury on the complainant. He has still further submitted that according to the allegations, the petitioner was merely present inside the club, where the initial occurrence took place. Learned



CRM-M-36179-2024

counsel has asserted that the actual occurrence in which the complainant allegedly sustained multiple serious injuries did not take place inside the club but had taken place outside the premises of the club, and no overt act has been attributed to him in the second occurrence. Moreover, it is submitted that the investigating agency had retrieved some CCTV/video footage from the location of the occurrence in question, wherein the petitioner was not visible with the co-accused allegedly attacked the complainant.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, on instructions, has vehemently opposed the prayer and submissions made by the counsel opposite. Learned State counsel contends that the petitioner, Umesh, is clearly visible in the CCTV/video footage and actively participated in the assault during which the complainant sustained multiple serious injuries. It has been further argued that in the occurrence in question, the complainant had also received fractures on his right leg. It has been argued that considering the severity of the injuries inflicted, custodial interrogation of the petitioner would be required for a thorough completion of the investigation.

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

5. Before proceeding further, it would be apposite to reproduce the FIR which stands annexed as Annexure P-1:-

“To the SHO Sahib, Police Station Sector 29, Gurugram, Sir, I request that I am Bobby Sharma S/o Shivram Sharma R/o Village Sondh, Police Station Mudkati, District Palwal, currently a tenant of Pooja PG, House No. 122,



CRM-M-36179-2024

Street No. 3, Rajiv Nagar, Gurugram. On 16-03-2024, I had come to ELVINO CLUB, Sector 29 Market, Gurugram to attend birthday party of my friend Amit. While dancing with other guests at ELVINO CLUB, I slightly pushed a guest, due to which I had an altercation with him. The bouncers of the club threw me and other guests out of the club. After that, at around 1.30 am, I was going to my house on my motorcycle. When I reached near the Anoch club, a white Swift car number HR98D0971 came in front of my motorcycle and blocked my way. 5 unknown young boys alighted from the car, one of them was holding an iron rod and he hit me on the head with the iron rod. After that, he hit my right hand and right leg with the iron rod that he was holding in his hand. His four other companions kicked and punched me and I fell on the ground. When I shouted for help, seeing the people standing nearby coming, all five youths started running from the spot and were saying that if you mess with us again, we will kill you. Saying this, they got into their SWIFT car and fled from the spot. Passersby admitted me to MAX hospital. Strictest legal action should be taken against the five youths whose names and addresses are unknown who beat me up. SD/- Bobby 9992929194, 7027259096”

6. Prima facie, there are serious allegations against all the accused, including the petitioner. No doubt, initially there was just an altercation inside the club, however, thereafter when the complainant was returning to his house, he was allegedly intercepted by the accused who were all armed with iron rods, with which without any provocation they inflicted multiple injuries on the complainant. The petitioner is not only visible in the CCTV footage of the club but even in the second occurrence which took place while the complainant was returning; the petitioner is seen actively participating in the occurrence in question along with the co-accused. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The



CRM-M-36179-2024

instant petition stands dismissed accordingly.

7. 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.

13.09.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No