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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36843-2024(O&M)
Date of Decision:-03.12.2024

SANDEEP KUMAR ALIAS KACHU

... PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Mohan Singh, Chauhan, Advocate for the Petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

Ms. Kiran Bala Jain, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 of Criminal Procedure Code, the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under:-

FIR No.	Dated	Sections	Police Station
252	24.06.2024	307, 324, 148, 149, and 506 IPC	Ambala Cantt, District Ambala, Haryana.

2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, in fact it was the injured Rakesh @ Rathi who had attacked the petitioner with a sword. He has referred to the photograph annexed with the petition in this regard to say that the petitioner had only avoided the attack in private



defence but had not caused any injury to him and he has been falsely implicated due to rivalry with the complainant. He further submits that a cross version vide FIR (Annexure P-3/T) is also been registered at the instance of wife of the petitioner. Hence prays for grant of anticipatory bail.

4. Per contra, learned State counsel assisted by learned counsel for the complainant have assailed these arguments and opposed the bail application by referring to the reply submitted by the State and also referred to the photographs, copies, of which have been placed on record to say that the entire occurrence was captured in the CCTV footage wherein the petitioner is clearly seen attacking injured Rakesh @ Rathi with knife, used to cut coconut, on his head and other parts of the body. They on instructions from SI Anil Kumar submit that FIR (Annexure-P-3/T) has been recommended for cancellation after thorough investigation in the matter. They submit that petitioner is required to be arrested and subjected to custodial interrogation for recovery of weapon used in the occurrence and for proper investigation of the case. Hence prayed for dismissal of the bail petition.

5. After considering the arguments and perusing the record, it transpires that the instant case was registered on the complaint of Sunil @ Shanu that on the fateful night at about 1:30 am his friend Rakesh @ Rathi came to his cart and told him that Jatin and Sandeep @ Kachu, the present petitioner, are repeatedly calling him, asking him to come to the house of Satyam Chadha. Therefore, on asking of Rakesh @ Rathi the complainant accompanied him to the shop of Satyam Chadha where the petitioner along with Satyam Chadha, Manish Balmik and one other boy were already



present and all of sudden attacked Rakesh @ Rathi with deadly weapons including knife, axe and glass bottles with intent to kill him. Accordingly, the case was registered.

6. During the course of arguments, learned State counsel has placed on record photographs taken from the CCTV footage which have been shown to the learned counsel for the petitioner, copies thereof, has been taken on file. A perusal thereof, would reveal that the petitioner is actively seen holding a knife meant for cutting coconut in his hand attacking the said injured Rakesh @ Rathi who is lying on the ground. So far as, the FIR (Annexure P-3/T) is concerned, it is categorical stand of the State that the cancellation thereof, has been recommended. As per the medical opinion, the injury sustained by Rakesh @ Rathi has been found to be grievous caused with sharp edged weapon and can be dangerous to life. Therefore, considering the serious nature and gravity of offence custodial interrogation of the petitioner is required for recovery of weapon used in the crime as well as for thorough probe of the incident, as such, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

03.12.2024

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