

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

210

CRM-M-36536-2024(O&M)
Date of decision : 25.09.2024

Lakshy

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON’BLE MS. JUSTICE KIRTI SINGH

Present: Mr. V.D. Sharma, Advocate for the petitioner.
Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J.(Oral)

1. Apprehending arrest the petitioner has filed this petition under 438 of Cr.P.C. for grant of anticipatory bail in case FIR No.0267 dated 08.06.2024 under Sections 323, 325, 379B, 427, 452, 506 and 34 IPC registered at Police Station Jind City, District Jind.
2. The facts in brief are that petitioner along with co-accused inflicted four injuries to the complainant and snatched his mobile phone and threatened the complainant with dire consequences.
3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He has neither been mentioned in the FIR nor any injury has been attributed to him. The name of the petitioner was nominated on the basis of disclosure statement suffered by co-accused Keshav Saini.



4. *Per contra* learned State counsel has opposed the petition. He refers to the status report dated 27.08.2024 filed by way of affidavit of Deputy Superintendent of Police, Jind-Headquarter, District Jind. As per the status report, it is specifically mentioned that the petitioner and co-accused Keshav Saini were quarrelling and assaulting the complainant and there are specific allegations against the petitioner. On 06.06.2024 the petitioner along with co-accused had inflicted four injuries to the complainant and snatched his mobile phone and Rs.1000/- in cash and further threatened him with dire consequences. The CCTV footage of the place of occurrence was obtained and on analyzing the same the petitioner and co-accused have been identified.

5. Learned State counsel has placed on record medical report of the injured/complainant Shiv Kumar in which it is stated that as per the medical report a fracture of bilateral nasal bone with hematoma in the anterior nasal septum and also a fracture of medial and posterior wall of left maxillary antrum have been found which are grievous in nature.

6. He also submits that petitioner was actively involved in the commission of the offence and the police require the custodial interrogation of the petitioner in this case therefore he is not entitled to the concession of anticipatory bail.

7. Heard the rivals submissions made by learned counsel for the parties and have perused the relevant records.



8. In *Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731*, the Constitution Bench reaffirmed that while considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.
9. After a perusal of the case in hand, it *prima facie* appears that petitioner was actively involved in the commission of offence and the injuries inflicted on the person of the victim/complainant are grievous in nature. Further the petitioner along with the co-accused have been duly identified in the CCTV footage obtained by the police and as such custodial interrogation of the petitioner is necessary to avoid hampering of investigation and to prevent inducement or threat to the witnesses.
10. Keeping in view the totality of the facts and the submissions made hereinabove, it is evident that there are serious allegations against the petitioner. Accordingly, this Court is of the view that to unearth the true dimensions of the alleged crime, the police requires the custodial interrogation of the petitioner in this case, hence, the petitioner do not deserve the concession of anticipatory bail at this stage.
11. Dismissed.

(KIRTI SINGH)
JUDGE

25.09.2024
Kapil

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No