

2024.PHHC.124579



204.

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

CRM-M-36735-2024

Date of decision: 17.09.2024

Rijwan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Pushpinder Kaur, Advocate for
Mr. Sandeep Singh Jattan, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURBIR SINGH, J.

1. This petition has been filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.39, dated 29.02.2024, under Sections 148, 149, 323, 341, 379, 506 of IPC (Sections 325, 308, 120-B, 473 and 201 of IPC added lateron), registered at Police Station Sadar Jagadhri, District Yamuna Nagar.

2. The case, in question, was registered on the statement of Tejender Singh that he had an office in Sector 17, Hooda. On 24.02.2024 at about 10:15 AM, he along his friend Lakhvinder Singh, had gone to his office on his activa. He was driving the activa and his friend was sitting behind him. At about 10:35 AM, when they reached near Bus Stand of Village Shahkameshpur, a car bearing No.HR02AM-4500, make Swift,

came from behind and stopped the said car in front of the activa. Five young boys got down from said car, who had covered their faces with clothes and had iron rods and pipes in their hands. There was a *garrari* attached in front of the pipe and as soon as they came, without saying anything, they hit him on the head with iron rod and when he tried to defend himself by using both his hands on his head, the iron rod hit both of his hands and on hitting his head, his turban came off and fell down. Out of said five unknown boys, one boy said, not to hit his head, hit his legs and arms and then all of them attacked him with their respective weapons on both of his hands and legs very badly. One of the boys was having a pistol and when he raised alarm, the passerby came and on seeing them, said boys ran away in their car with their weapons and while leaving, they threatened to kill the complainant when they will get chance.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner was not named in the FIR. There is delay of 5 days in lodging the FIR. During investigation, co-accused Manpreet Singh was arrested and the car used in the offence has also been recovered. Petitioner had no enmity with the complainant. Petitioner has been implicated in this case on the basis of disclosure statement of co-accused Manpreet Singh. Nothing is to be recovered from the petitioner. Reliance is placed on case ***Joginder Kumar Versus State of U.P., 1994(2) R.C.R. (CrL) 601*** to contend that no arrest can be made in a routine manner and the police officials must justify the arrest.

4. Learned State counsel, on the basis of reply already filed, submits that there were total 9 injuries and injuries No.2 to 5 were found to be grievous in nature. Co-accused Manpreet Singh was arrested in another case and during investigation, he admitted the offence committed in the present FIR. His disclosure statement is at Annexure R-6 that he in connivance with the petitioner and co-accused had hatched a conspiracy and attacked the complainant with the intention to kill him and injured him. He had put a fake number plate on his swift car. Co-accused Ankit was also arrested. He has also named the petitioner. Petitioner is involved in 8 other cases including NDPS Act, Excise Act and Arms Act. Custodial interrogation of the petitioner is necessary.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. As per Medico Legal Report (Annexure R-1), the complainant reached Civil Hospital, Jagadhri at 11:40 PM and he was immediately examined. There were 9 injuries on the person of the complainant. The case summary dated 23.04.2024 (Annexure R-3) reads as under:-

“Patient Mr.Tejinder Singh 30Y/M S/O Mr. Paramjeet Singh VPO: Milk Sukhi District Yamuna Nagar was admitted to Shivalik hospital on 24-02-2024 after alleged h/o Assault. He was diagnosed as a case of (1) Communitied fracture 3, 4, 5 metacarpal right hand(2) Communitied fracture 2, 3, 4, 5 metacarpal left hand (3) compound Gr I communitied fracture left lateral mallous for which CRIF with multiple K Wire & slab application left site and CRIF with multiple K Wire & slab application right site, wound debridement ORIF with 1/3 tubular (titanium) plate was applied and patient was discharged on 04-03-2024.”

Since the complainant was immediately admitted in the hospital after suffering injuries, so the delay in lodging the FIR has no adverse affect at this stage on the case of the prosecution. There are many fractures on the person of injured. The petitioner was named by the co-accused Manpreet alias Manni.

7. The weapon used in the offence is yet to be recovered. The offence is very serious. The complainant was brutally given injuries. When a person is equipped with favourable order of anticipatory bail, then interrogation becomes mere ritual. Petitioner is also involved in many other cases. So, under these circumstances, this Court is of the view that the petitioner is not entitled for anticipatory bail. Accordingly, the present petition is dismissed.

8. Anything observed hereinabove shall have no effect on the merits of the case as it is only for the purpose of deciding the present petition.

(GURBIR SINGH)
JUDGE

September 17, 2024
sanjeev

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