



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CRM-M-37417-2024
Date of decision: August 5th, 2024

Rohit
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepak K. Bartia, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), in case FIR No.158 dated 30.05.2024 under Sections 148, 149, 307, 323, 506 of the IPC registered at Police Station Baldev Nagar, District Ambala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case for allegedly causing head injuries to the complainant with a brick. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, learned counsel has pointed out that the petitioner's false implication is evident from the fact that he was neither named in the FIR nor were any allegations levelled against him. Learned counsel has further argued that the petitioner has been implicated in the present case based solely on a disclosure statement allegedly made by a co-accused, which holds weak evidentiary value.

3. Additionally, it has been submitted by the learned counsel that the essential ingredients of the alleged offences are not even made

out, as the complainant sustained only two blunt force injuries on his person. A prayer has, therefore, been made that in the circumstances, custodial interrogation of the petitioner would serve no useful purpose.

4. Notice of motion.

5. On the asking of the Court, Ms. Trishanjali Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of the State.

6. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. She, on instructions, has argued that the petitioner is clearly visible in the CCTV footage of the incident and actively participated in the alleged occurrence. He was a part of the unlawful assembly, which attacked the complainant with lethal weapons and caused number of injuries on his person. Learned counsel has, therefore, prayed for dismissal of the instant petition as the custodial interrogation of petitioner is required.

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

8. The FIR which was registered at the instance of complainant-Rambo is reproduced as under:-

“Sir, the contents of written statement are as follows, statement of Rambo son of Madan Lal, resident of Kabir Nagar Police Station Baldev Nagar, Ambala City, aged 17 years, Mob. No.89507-10517 stated that I am resident of the above said address. We are two brothers and three sisters. My three sisters are married. I and my elder brother Sumit are still unmarried. I am youngest of all. My father Madan Lal had died. My mother is employed in Municipal Committee. Shibbu s/o

Pappu resident of Manmohan Nagar is my cousin (maternal brother). Today at about 03.00 P.M. I had gone to Manmohan Nagar to meet my cousin Shibbu. Thereafter, I and Shibbu came to Kala bridge by riding on motorcycle of Shibbu. We purchased beer from the beershop. After going little ahead, we drank beer. From there, we went towards Shani Dev Mandir. We took Shikhar from the shop near Flourmill of Biri and from there we returned to ground where Harry son of Bhajan Singh and Jassi resident of Manmohan Nagar were standing. We earlier had altercation with them. They started arguing with us and they said to us that today we will take avengement of past altercation. Suddenly Harry gave whistle and 8-10 boys came there who attacked us with bricks, dandas and swords, whom I do not know. Harry said that today we will kill Shibbu and Rambo. Harry picked up brick and continued hitting Shibbu on his head till he became unconscious Jassi hit brick at my head and their accomplice attacked with dandas and swords. Shibbu fell down after he became unconscious. I tried to save him, then Harry and Jassi threatened me that we have finished Shibbu and if you gave evidence against us, then we will also kill you. I raised alarm 'bachao' and lot of public gathered there. Then Harry, Jassi and their accomplice fled away alongwith dandas and swords and while fleeing from the place of occurrence, they threatened to kill. Thereafter our family members got us admitted in the Civil Hospital, Ambala where doctor after giving first aid to Shibbu referred him to PGI Sector 32, Chandigarh and I am under treatment in Civil Hospital, Ambala City. Harry and Jassi alongwith their accomplice inflicted injuries upon me and Shibbu. Legal action against them be taken."

9. A perusal of the allegations levelled in the FIR *prima facie* reveal that there are serious allegations against all the accused, including the petitioner, who though not named in the FIR, was very much part of the unlawful assembly and played an active role in the occurrence in question; furthermore, the petitioner is clearly visible in the CCTV footage retrieved from the place of occurrence, wherein he can be seen actively participating in the occurrence in question.

10. In view of the allegations levelled in the FIR, the petitioner does not deserve to be extended by extraordinary concessional of anticipatory bail.

11. The instant petition stands dismissed.

12. 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.

August 5th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No