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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38135-2024
Date of Decision:-28.08.2024

SHIBU @ AJAY @ AJAY KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Bikram Chaudhary, Advocate, for the petitioner.
Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of affidavit dated 21.08.2024 of Deputy Superintendent of Police, Hansi, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. Heard.
3. By way of the present petition filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita 2023 (BNSS), the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
224	25.06.2024	147, 148, 149, 323, 324, 326 (added later on), 341, 427, 506 IPC	Sadar Hansi, District Hisar



4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the present FIR is a result of after thought having been registered after 24 hours of the alleged occurrence. He has also disputed the genuineness of medical report being of private hospital and contends that petitioner is not having any criminal antecedents and prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has contended that the petitioner has actively participated in the crime wherein he alongwith co-accused while being armed with deadly weapons had waylaid the complainant and injured him. The petitioner is alleged to have caused injury on the left leg of the complainant with axe and also caused injury on his right foot while the other accused had caused injuries to him with danda and sharp edged weapon. He submits that injury attributed to the petitioner is grievous in nature caused with sharp edged weapon as referred to in Annexure R-2 to show that it was an incised wound measuring 7 cm x 3 cm bone deep in the front of left knee of the complainant. He submits that recovery of weapon used by the petitioner is yet to be effected for which custodial interrogation of the petitioner is required, as such, he prays for dismissal of the present petition.

6. After considering the arguments and perusing the record, it transpires that the instant case was registered on the statement of the complainant that on 24.06.2024 at about 01:00 PM while he was going on

his scooty alongwith one Parveen then the present petitioner alongwith other named accused armed with deadly weapons waylaid the complainant and caused him injury with axe on the left leg and another injury on his right foot. The other co-accused also caused multiple injuries to him while the co-accused Deepak and Sanju caused multiple injuries to Parveen besides damaging his vehicle. The complainant was shifted to hospital.

7. From the perusal of record, it is also evident that the petitioner is specifically named in the FIR of having caused injury with his axe on the left leg of the complainant and another blow on his right foot. The injury on the left leg is found to be 7cm x 3cm incised wound bone deep and is depicted in the photograph Annexure R-2. This injury has been declared as greivous in nature. Therefore, considering the serious nature and gravity of offence, coupled with the brutality with which the complainant has been attacked by the petitioner and other co-accused, the petitioner is not found entitled to concession of anticipatory bail and his custodial interrogation is required for effecting recovery of weapon of offence. Therefore, no case is made out for grant of anticipatory bail in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

28.08.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |