

223

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40733-2024
Date of Decision:-26.09.2024

SAHIL

... PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Himanshu Bansal, Advocate, for the petitioner.
Ms. Gaganpreet Kaur, DAG, Haryana.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 19.09.2024 of Assistant Commissioner of Police, City Sonipat, District Sonipat, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 of the Criminal Procedure Code, 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
307	10.09.2023	323, 325, 34, 365, 377 and 506 IPC	Civil Line Sonipat, District Sonipat

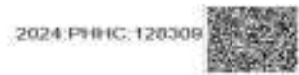
3. Argument heard.



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 no specific overt act has been attributed to the petitioner in the alleged crime and the petitioner is not having any criminal antecedents. Hence he prays for grant of anticipatory bail to the petitioner.

5. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner has actively participated in the occurrence wherein he alongwith co-accused had forcibly administered liquor to the victim and then after getting him naked inserted liquor bottle in his anus. He submitted that custodial interrogation of the petitioner is required and considering the nature of offence, he does not deserve concession of anticipatory bail.

6. After considering the arguments and perusing the record, it is observed that the instant FIR was registered on the complaint of the victim that on 08.09.2023 at about 10:30 in the morning accused Punit Saini along with petitioner Sahil took him on motorcycle near sugar mill and caught him, tied him to a tree and gave beatings. Thereafter, they took him to a room and administered alcohol to him, gave beatings and then removed his lower and inserted empty bottle of liquor in his anus. The injured was shifted to hospital. Accused Punit Saini and Sunny were arrested and during course of their interrogation they disclosed the involvement of present petitioner in the crime and specific overt act and active participation of the petitioner is surfaced in the crime. Therefore, considering the nature and gravity of offence, 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

26.09.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No