



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

CRM-M-42225-2024
Date of decision: August 29th, 2024

Abhimanyu Tanwar
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sudhir Rana, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.237 dated 27.07.2024 under Sections 115, 117(2), 3(5) and 333 of the BNS, 2023, registered at Police Station Kasola, District Rewari.

2. Learned counsel for the petitioner contends that a false and fabricated version has been brought forth in the FIR in question, which has been annexed as Annexure P-1; in fact, it was the complainant, who was in an inebriated condition on the fateful night when he was allegedly inflicted injuries on his person. Furthermore, it has been submitted by the learned counsel that there was a delay of four days in the lodging of the FIR from the date of alleged occurrence, which further lent credence to the petitioner's false implication in the present case. He further submits that co-accused Rekha has since been extended the concession of bail and hence, the petitioner also deserves the same concession. Learned counsel submits that in the circumstances, the custodial interrogation of the petitioner would not be required and he be

extended the concession of anticipatory bail.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. It would be apposite to reproduce the allegations levelled in the FIR, which are as under:-

“Sir, It is requested that I am Mamachand son of Shri Kundan Lal, resident of Jadthal, District Rewari and on 23-07-2024 at about 9:50 PM, I and my wife Bhagwati Devi were sleeping in our plot and the door of our plot knocked, then my wife got up and saw, at the same time, due to exchange of words in day time, Rekha W/O Ajay, Abhimanyu S/O Ajay, Vishal S/O Vijay and an unknown boy whose name I do not know came and beat me with sticks while I was sleeping, due to which I started screaming, my wife tried a lot to rescue me but everyone kept beating me mercilessly, I know all three of whom, after that all of them left me there in an injured state and ran away, then my family members admitted me to Trauma Center Rewari, where my treatment continued till 27-07-2024 and I got my hand operated and I also received fracture, strictest legal action should be taken against all the above, I kept getting treatment till now, today on 27-07-2024, I am giving a complaint, same be accepted and take appropriate action.”

5. A perusal of the FIR in question clearly reveals that not only is the petitioner categorically named therein; the occurrence in question took place inside the house of the complainant himself on 23.07.2024 at about 10:00 PM, when he along with his wife were sleeping. Allegedly, it was the accused party comprising of the petitioner, who barged into the house of the complainant armed with sticks and thereafter, without any provocation, mercilessly beat up the complainant. After mercilessly assaulting the complainant, he was left in an injured condition by the accused party. Soon thereafter, the complainant was removed to the Trauma Centre, Rewari, for his

medical treatment. In the occurrence in question, the complainant suffered multiple injuries on his person including a lacerated wound/fracture measuring 6 X 1 CM over the right side fronto-parietal region of his scalp, for which he was advised surgical opinion also; in all, the complainant allegedly suffered eight injuries. In the circumstances, the submission of the counsel that there was a delay of four days in the lodging of the FIR from the date of alleged occurrence would not come to his rescue, more so when it is a matter of record that the complainant was promptly removed to the nearest Trauma Centre for his medical treatment. *Prima facie*, it is thus, evident that it was a premeditated attack launched by the accused party including the petitioner. This Court, therefore, does not deem it appropriate to extend the extraordinary concession of anticipatory bail to the petitioner.

6. The instant petition stands dismissed.
7. 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 29th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No