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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 45736 of 2023

Date of Decision:-18.01.2024

MUBARIK

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Saleem Ahmad, Advocate,
for the petitioner

Mr. Surender Singh AAG, Haryana.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C 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
329	04.11.2022	148, 149, 323, 324, 427, 452, 506 IPC (325, 307 IPC added lateron)	Nagina, District Nuh (Haryana)

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case due to party faction in the village. He submits that 66 persons were named in the FIR out of them 42 persons including petitioner were earlier

exonerated but later have been implicated due to political pressure. He submits that the petitioner is ready to join the investigation and prays for grant of concession of bail to the petitioner.

3. Per contra, learned State counsel by referring to the reply dated 04.12.2023 submitted by Deputy Superintendent of Police, Punhana, District Nuh has assailed the arguments made by learned counsel for the petitioner by submitting that no doubt initially the petitioner was exonerated but later on on production of the video clips of the occurrence, the petitioner was found to have inflicted injuries on the injured Deen Mohammad with his iron rod on his vital part i.e. ribs. He submits that the recovery of weapon is to be effected from the petitioner and moreover he has caused injuries with iron rod on the ribs of Deen Mohammad on the vital part of the body, as such he does not deserve concession of bail.

4. After Considering the rival contentions and perusing the record and also the reply filed by the State, it is observed that the FIR was registered against 66 persons, upon initial inquiry 42 persons were exonerated including the petitioner but during course of investigation on perusal of video clips and pen drive qua the occurrence, the present petitioner was found involved in the occurrence and there is specific allegations that he had caused injury with iron rod upon the ribs of Deen Mohammad as per the medical information the said injury sustained to Deen Mohammad has been declared to be dangerous to the life.

5. In these circumstances, considering the nature and gravity of the offence, and the specific attribution to the petitioner of having caused

injuries dangerous to life, it is observed that custodial interrogation of the petitioner is required and also the recovery of the weapon of offence is yet to be effected, no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent the petition is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

18.01.2024
Gyan

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