



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.43663 of 2024
Date of decision: 5th September, 2024

Prince

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K. Bishnoi, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.526 dated 01.08.2024 under Sections 115, 118(1), 190, 191(2), 191(3), 324(4) of the BNSS (Sections 117(2), 118(2) of BNSS added later on) registered at Police Station Sirsa City, District Sirsa.

2. Learned counsel, while drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, submits that a perusal of the same clearly reveals that the petitioner was not named therein nor was any whisper raised qua his involvement in the alleged occurrence, which took place outside a hotel; in fact it was a case of cross-fight which was evident from a perusal of footage of one of the CCTV cameras which were installed in the vicinity of the place of occurrence. It has been further submitted that although the complainant had named four other persons while lodging the FIR, the petitioner who as already submitted had not been named, came to be arraigned as an



accused on the basis of disclosure statement allegedly suffered by co-accused Lucky, who falsely stated that the petitioner was one of the two unnamed persons, who was present with them when the crime in question took place. It has been submitted that in the aforementioned facts and circumstances, it is clearly a case of false implication, more so, when there is no corroborative material on record, much less in the shape of CCTV footage, reflecting either his presence or involvement in the occurrence in question.

3. Notice of motion.

4. Ms. Trishanjali Sharma, Dy. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the State. Mr. Gurmeet Singh Saini, Advocate puts in appearance and files his memo of appearance on behalf of the complainant.

5. Learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that in fact it is the petitioner, although not named in the FIR in question, who initiated the occurrence in question; the CCTV footage retrieved from the place of occurrence clearly reflects that the petitioner was not the first person to inflict injuries upon both the complainant as well as injured Sandeep who was then followed by the co-accused. In the occurrence in question the complainant and injured Sandeep sustained 7 and 4 injuries respectively, which includes 2 grievous injuries each; the injuries were inflicted on vital parts of the body of the complainant party including



their head. It has also been submitted that in the occurrence in question, injured Sandeep sustained 2 fractures on both of his arms.

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

7. It would be apposite to reproduce the FIR in question, which reads thus:

“Statement of Ramanpreet Singh @ Raman Brar son of Ajaib Singh resident of village Rattakhera, Tehsil Ellanabad, District Sirsa, aged about 29 years, mobile no. 8059703400. Sated that I am resident of the abovementioned address. I have studied upto 12th. I and my friend Sandeep son Baldev resident of Baruwali-1 and Rohit son of Ajay Kumar r/o village Suchan kotli district Sirsa have taken a Divine Lounge hotel on lease. On Dated 27.07.2024 At about 7:00 in the evening, I and my friend Sandeep were on hotel, at that time 10-15 boys came on hotel and started saying that they have to organize birthday party, and thus they have booked hall for one house at basement of hotel. At about 8/8:30 PM we saw that they all were stated quarrelling then we said not to quarrel in hotel and asked them to go out of hotel, they all went out of hotel and while Going Lucky son of Jagga R/O Chattergarh patti Sirsa said me that ' you have Insulted me and my friends, I am coming back to teach you lesson. Then after some time at about 9/9:15 Lucky and his brother Subham, Alongwith Mukul, Ashutosh and Ganju and 1-2 others came and stood outside the hotel. They were having Iron Rod, pipe and Gandasi, Lucky while shouting said that' you come out now, we will tell you taste of insulting us.' As I and my friend Sandeep Kumar and Krishan r/o Baruwali came out



of Hotel, then Lucky and his friends started beating me and my friends with pipe, rod and Gandasi. In this quarrel, I, received injuries in my head, my back and 2 fingers of left hand. They hit blows on head and both hands of my Friend Sandeep. They broke down out side glasses of hotel. Lucky and his friends have caused injuries to me and my friends without any reason, strict legal action be taken against them. I have got recorded my statement, read over ,is correct.”

8. A perusal of the allegations levelled in the FIR in question prima facie reveals that it was a premeditated attack carried out by the accused party including the petitioner, who came armed with lethal weapons to the hotel where the complainant and his friends were partying. In the occurrence in question, multiple injuries were inflicted on the person of both the complainant and injured Sandeep. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The petition is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

September 5, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No