

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Dr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Kanishk Swaroop, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Dinesh Arora, Advocate for the complainant.

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 detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
281	27.08.2023	323,148, 149, 341, 506 IPC (307 added lateron)	Chhapar, District Hisar

2. In *nut shell*, the case was registered on the statement of one Amit stating that on 26.08.2023 at about 05:30 pm his brother Sachin along with Abhi, Paras and Vasu were present in the barber shop where he is working. They all were going on motorcycle towards Shani Dev Temple in Sarawati Nagar when they reached chowk near Ramleela ground, Varish (petitioner) called loudly that they have come, upon which Dheeraj @ Raju, Nikhil, Aman and 7-8 other boys came there armed with sticks and iron rods in their hands. Petitioner Varish had one stick wrapped with barbed iron



wire, Raju was armed with gandasi, Nikhil armed with iron rod and Aman had a brick, stopped their motor-cycle and started merciless beatings. The injured were shifted to hospital and matter was reported to the police and present FIR was registered.

3. It is *inter alia* contended by learned Senior counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that no specific overt act has been attributed to the petitioner nor any specific injury is attributed to him. He contends that it is evident from the perusal of the medical report that the injured were under the influence of liquor. He submits that the petitioner is ready to join the investigation, as such, prays for grant of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner happens to be the main aggressor having caused multiple injuries on the person of injured with the help of stick wrapped with barbed iron wire which shows his per-mediated mind to attack the injured party. He contends that the injuries caused to Sachin Deep who is still in coma having caused 75% disability, while injury on the person of injured Vashu have been found to be dangerous to life being on vital parts of the body i.e occipital region. He contends that even during pendency of the case, the petitioner had been extending threats to the complainant party leading to registration of another FIR No.202 dated 21.06.2024 under Section 506, 120-B IPC, Police Station Chhappar against him. He, on instructions from Mr. Rajesh Kumar, Deputy Superintendent of Police-II, Yamuna Nagar, present in Court submits that custodial interrogation of petitioner is required. Hence he prays for dismissal

of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that there is no specific attribution to the petitioner of having caused multiple injuries with per-mediated mind with the help of stick wrapped with iron barbed wire. Four persons received multiple injuries (16 in numbers). As per reply submitted by the State, injured Sachin Deep sustained multiple injuries in the occurrence and is still in coma since the date of occurrence i.e 26.08.2023 and has sustained 75% of disability while injury on the person of Vashu has been declared dangerous to the life being on vital part of body i.e occipital region. The manner with which the injuries have been caused by the petitioner by using stick wrapped with iron barbed wire itself shows the brutality with which the petitioner has participated in the crime which by itself over shadow the factum of alcohol smell present in the breath of the injured.

6. In these circumstances, considering the serious nature and gravity of offence and fact that custodial interrogation of the petitioner is required for the recovery of the weapon used in the occurrence. Accordingly, no case is made out in favour of the petitioner for grant of anticipatory bail. Therefore, finding no merit 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

06.08.2024

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