

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

2024:PHHC:031331

CRM-M-50787-2023

Date of decision: March 5th, 2024

Sumit Gupta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pankaj Attri, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail in FIR No.263 dated 02.09.2023 under Sections 323, 328, 392, 511 of the IPC registered at Police Station Kalka, District Panchkula.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has now been in custody since 02.09.2023 in a magisterial trial. The investigation in the case at hand is complete as not only challan stands presented but even charges have been framed. Learned counsel further submits that a false and fabricated case has been planted upon the petitioner for having allegedly sprayed chilli powder into the eyes of the complainant and thereafter, having decamped with some gold ornaments from his shop.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from S.I. Surjeet Kumar, has submitted that the petitioner has criminal antecedents as he is involved in one other criminal case. It has been further submitted that on the fateful day, the petitioner came to the shop of the complainant armed with a bottle of chilli spray; on the pretext of

purchasing some gold ornaments, he asked the complainant to show him some gold ornaments and while the complaint was doing so, he sprayed chilli powder on his face, however, due to hue and cry raised, the petitioner was apprehended at the spot and handed over to the police. Learned State counsel has submitted that hence in the circumstances, there was no question of the petitioner being falsely implicated in the case in hand. Learned State counsel has submitted that since the complainant is yet to be examined and keeping in view the criminal antecedents of the petitioner, he be not extended the concession of bail as there is every likelihood that he could tamper with evidence and even intimidate the prosecution witnesses.

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

5. In the facts and circumstances as enumerated hereinabove, coupled with the fact that the material witnesses are yet to be examined, this Court does not deem it fit to extend the concession of 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.

March 5th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No