

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.52185 of 2023

Date of decision: 15th April, 2024

Sudhir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naveen Siwach, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.563 dated 22.09.2023 under Sections 147, 149, 323, 341, 364, 506, 120-B of the IPC registered at Police Station Adampur, District Hisar.

2. Learned counsel for the petitioner inter alia contends that he has been falsely implicated in the instant case for having allegedly assaulted the injured along with the co-accused. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, it has been further asserted by the learned counsel that the petitioner's false implication in the present case finds credence from the fact that he was neither named therein nor any specific role attributed to him in the occurrence in question; the petitioner was not

even present at the place of occurrence but was falsely nominated as an accused in a supplementary statement made by the complainant. Learned counsel has also submitted that the petitioner is a man of clean antecedents and his custodial interrogation would serve no useful purpose as no recovery is required to be affected from him.

3. Per contra, learned State counsel while controverting the submissions made by the counsel opposite and drawing the attention of this Court to the allegations levelled in the FIR in question as well as the reply filed by the State, has submitted that there are specific allegations levelled against the petitioner. The petitioner along with the co-accused abducted the complainant and thereafter, took him to village Khajuri where he was then mercilessly assaulted with a belt. As per the learned State counsel, it had come during investigation that the petitioner was an active participant in the occurrence in question; the petitioner along with the co-accused forced the complainant to consume cow-dung and also gave electric shocks to him. It has, still further, been submitted that the entire occurrence was video-graphed by the accused and the complainant was threatened with dire consequences in case he dared to report the matter to the police. Learned State counsel has asserted that the active participation of the petitioner in the crime in question is also evident from the fact that the vehicle which was used to abduct the complainant belonged to the petitioner.

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

5. It will be apposite here to reproduce the allegations levelled in the FIR in question, which reads thus:

“Statement of Rakesh son of Sh. Krishan Chander resident of Bodiya Road Sadalpur, Hisar age 35 years monile NO. 80595-32801, stated that I am resident of above mentioned address and I studied till 10th class and working as contractor by taking government contract. Few time ago I and my villager Sant Lal son of Mangat Ram given application for get the path permanent (Pakka Rasta) in our respective Dhani's (Temporary abode in agriculture land), but government has approved my application for the pakka rasta to way of my Dhani and rejected the application for pakka rasta of Sant Lal, and regarding this thing Sant Lal said me that you not get done by path permanent rasta pakka and regarding this he started abusing me and keep grudge with me. On dated 22.09.2023 time around 04:50PM complainant alongwith his partner namely Dilbag son of Ram Chander resident of Sadalpur were going to their village Kohli from Adampur, when we reached near Agroha from our village Kohli then one Alto car stopped in front of us, in which one boy of Sant Lal and one boy from village Bhanna came out from the car and starting beating me and made me sit in their car and keep beating me while going in the car. When reached near village Khajuri they blindfolded me and took me to some unknown Place(Dhaani) and made me sit in a room, Vikas son of Bhagwan Dass, P.K. Son of Krishan and one younger boy of Sant Lal resident of Sadalpur and four other person were present there, who beat the complainant/victim with belts, electrocuted him and put buffalo dunk in his mouth and after that they made him sit

in the black car and after that Vikas, Naveen and one other boy take him into the Dhaani of Sant Lal, Sant Lal and Atma Ram son of Mehar Chand were present there and younger boy of Sant Lal and P.K. son of Krishan taken the signature of complainant/victim on the blank paper and after that Atma Ram said to the complainant I got you beaten and if you do any police action, we will kill you and Atama Ram said that I had experience of jail custody and after that Atama Ram and younger son of Sant Lal and P.K. take me into the car and said me that let you drop at your office, and he had also called my partner Dilbagh when he went from Santalal ki Dhani and dropped me at Lakshmi Bhatta Shekhupur Road and from there Due to fear of the police, they ran away from the spot, after some time the police came there and got me admitted to Civil Hospital, Adampur for treatment, which all the above mentioned accused after consulting with each other kidnapped me with the intention of killing me and beat me up. It is said that legal action should be taken against all of them. Now I have written my statement and which correct. SD Rakesh Kumar”

6. Prima facie, on a perusal of the allegations levelled in the FIR, it appears to be a premeditated attack wherein all the accused including the petitioner mercilessly assaulted the complainant after abducting him in his car and forced cow-dung into his mouth, in addition to giving electric shocks to him. In view of the serious allegations levelled against the petitioner, this Court is not inclined to extend the extraordinary concession of anticipatory bail to him.

7. Dismissed.

8. 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

April 15, 2024
rps

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