

AMANDEEP SINGH

... PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ranjit Saini, for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Garvit Mittal, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

Mr. Nayab Singh, Deputy Superintendent of Police, Karnal who is present in Court has filed his written explanation dated 20.11.2024 the same is taken on record. **He has tendered his unconditional apology and the same is accepted.**

2. By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under:-

FIR No.	Dated	Sections	Police Station
397	03.09.2024	191(3), 190, 109(1), 118(1), 351(3) of BNS, 2023 and 25 of Arms Act.	Civil line, Karnal.

3. Argument heard.

4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



contends that petitioner was not named in the FIR but was nominated on the disclosure statement of Aryan Gupta. He further contends that no specific overt act is attribute to the petitioner nor has he participated in the crime. He contends that petitioner is ready to join the investigation. Hence he prays for grant of anticipatory bail to the petitioner.

5. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner has actively participated in the occurrence and this fact has been specifically mentioned in the statement of victim Girish that Amit Kumar @ Lucky, Aryan Gupta, Amandeep Singh, Sandeep, and Ritik attacked with knives. He further submits that in CCTV footage from the cameras installed at Mall, petitioner was seen holding an iron rod and assaulting and dragging the complainant Gaurav Kumar outside the mall premises. He further contends that as per Medical opinion dated 09.10.2024 (Annexure R-7) the injury Nos. 1 and 2 sustained by Girish were classified as dangerous to life. Therefore, custodial interrogation of the petitioner is required. Hence he prays for dismissal of the petition.

6. After considering the arguments and perusing the record, it transpires that as per the case of the prosecution on 02.09.2024 complainant Kumar Gaurav alongwith Yuvraj, Naman, Golu (Ishan Goel) and Girish Gandhi gone to K3C Mall for watching movie. They were sitting together and in front row a couple was sitting and consuming liquor mixed in coke and during intervals making loud voice and started abusing them. After some time 8-10 persons armed with knives and rods entered the mall and attacked them, when they started to flee the mall, 5-7 persons attacked



Girish and Kumar Gaurav and put pistol on him and threatened him. The entire incident was captured in the CCTV cameras of the mall. Thereafter, injured were shifted to the hospital Trauma Centre of Kalpana Chawala Medical College and Hospital where the doctors found their condition critical referred to Fortis Hospital Chandigarh, as such, FIR was registered.

7. It also transpires that petitioner was nominated on the disclosure statement of co-accused Aryan Gupta stating that he and the present petitioner has inflicted multiple injuries with knives to Girish on various parts, including abdomen, legs and feet. During investigation footage's of CCTV cameras were checked and it was found that petitioner was seen holding an iron rod and assaulting and dragging the victims. As per MLR report Annexure R-5, R-6 and opinion of the doctor (Annexure R-7) that injuries No.1 and 2 sustained on the person of Girish were declared as dangerous to life. Therefore, considering the nature and gravity of offence and also the fact that custodial interrogation of the petitioner is required to recover the weapons used in the occurrence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

21.11.2024

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