



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

213

CRM-M-52298-2024(O&M)

Date of Decision: 03.12.2024

SHUBHAM @ KULI @ FULLI

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Mohan Singh Chauhan, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, prayer is made for grant of anticipatory bail to the petitioner in case arising out of FIR No.366 dated 02.09.2024, under Sections 109, 3 (5) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act, registered at Police Station Ambala Cantt, District Amabala, Haryana.

2. The aforementioned FIR has been lodged against the petitioner on the basis of statement recorded by the complainant- Prashant Rathore on 02.09.2024 alleging therein that in the evening of 01.09.2024, he was at home whereas his brother Sachin had gone to market for some work, when he received information regarding sustaining injuries by his brother. The injured had been taken to the hospital. He disclosed that his brother was having inimical relations



with the petitioner and co-accused and they had assaulted him with an intent to kill him by striking several blows with knife in his abdomen thereby causing serious injuries to him.

3. After registration of FIR, investigation proceedings have been initiated and are under way. The co-accused Danish and Nitin Sonkar have since been arrested. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Ambala vide order dated 04.10.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It was the petitioner who had got admitted him in the hospital. The injury on the person of the victim has not been attributed to him but to the co-accused. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. With these broad submissions, it is, urged, that he may be extended benefit of pre arrest bail.

5. Status report has been filed by respondent-State and has argued that the allegations against the petitioner are serious in nature as it was in furtherance of the common intention of the petitioner and the co-accused that serious injuries were caused to the victim with an intent to kill him. The knife which was used for causing injuries to the victim is in possession of the petitioner and recovery thereof is to be effected



from him. No extraordinary and exceptional circumstance for extending benefit of anticipatory bail has even otherwise been made out in favour of the petitioner. Therefore, it is urged that petition does not deserve to be allowed.

6. I have heard learned counsel for both the parties and have perused the record carefully.

7. As per allegations, in furtherance of common intention of co-accused Nitin Sonkar, the petitioner and accused Danish had opened an assault on the victim Sachin Rathore. The co-accused Nitin Sonkar struck blows with knife in the abdomen of the victim in the presence of the petitioner and the petitioner had kicked the victim while he was lying down after being injured. There are specific allegations against the petitioner. His custodial interrogation is required for conducting thorough investigation of the matter by the police. It is well settled proposition of law that benefit of anticipatory bail can be granted to the accused only after considering the gravity of the allegations, the part attributed to him, the quantum of sentence which the conviction may entail and other material facts and circumstances. In my considered opinion, the custodial interrogation of the petitioner would be required for eliciting material information regarding the manner in which the subject crime had been committed by the petitioner and the co-accused.

The Court has also to see that an order of anticipatory bail should not



operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. In the present case, no exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. Pending application, if any, also stands disposed of.

03.12.2024
Deepak Patwal

MANISHA BATRA)
JUDGE

1. Whether speaking/reasoned
2. Whether reportable
- : Yes/No
- : Yes/No