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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57140-2024 (O&M)
Date of Decision:- 02.12.2024

RAMESH KUMAR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Rahul Jaswal, Advocate for the petitioner.
Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

1. Status report dated 28.11.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Samalkha, Panipat, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. By way of present petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
601	29.09.2024	115, 126, 3(5), 351(2) Bharatiya Nyaya Sanhita, 2023; (110 BNS added later on)	Samalkha, District Panipat

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

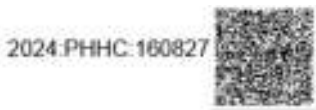


account of enmity. He contends that no specific overt act is attributed to the petitioner and only because he was present at the spot without causing any injury to anybody, he has been entangled in the present FIR. He submits that the petitioner is not having any criminal antecedents and is ready to join investigation, hence, prayed for grant of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report submitted by State and on instructions from ASI Sanjeev Kumar submits that the petitioner had actively participated in the occurrence and had caused multiple injuries on the head and body of the victim with *danda*. He submits that the incident has been duly captured in the CCTV camera, wherein the petitioner is visible committing this heinous crime, as such, the custodial interrogation of the petitioner is required to recover the *danda* used in the commission of offence. Thus, prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the complaint moved by Mahendra Pratap Singh alleging that on 28.09.2024 at about 06:30 PM, when Vinay Kumar, who was working as a Manager in the factory, came outside of the factory, two persons armed with *dandas* abused him and attacked him with their *dandas* with intention to kill him. The incident was captured in the CCTV camera and one of the assailants is Rajpal, who works in the factory and face of the other unknown person is clearly visible in the CCTV footage. The injured Vinay Kumar was immediately shifted to hospital for treatment.

7. Although, the petitioner is not named in the FIR but as per the



status report filed by the State, it is evident that the face of the petitioner is clearly visible in the CCTV footage and the photographs annexed with the status report have not been denied by learned counsel for the petitioner. It is apparent that the petitioner had actively participated in the occurrence along with co-accused Rajpal and had caused multiple injuries on the head of the victim with *danda*, which were declared dangerous to life. The custodial interrogation of the petitioner is required for recovering the *danda* used in the commission of offence to complete the investigation.

8. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

02.12.2024
S.Sharma(syr)

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