

311

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.63264 of 2023

Date of Decision:-30.01.2024

SUMIT TOMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sahil Chaudhary, Advocate,
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
867	29.10.2023	323, 365, 506,34 IPC	City Yamuna Nagar, Haryana

2. 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 submits that no specific role has been attributed to the petitioner except that he had caught hold of the victim while sitting on the motor-cycle. He

contends that the petitioner is ready to join investigation and as such he prays for grant of concession of anticipatory bail to the petitioner.

3. Per contra, learned State counsel has opposed the bail application by referring to the reply dated 11.01.2024 and submits that the petitioner is actively involved in the occurrence and there are specific allegations that he along with Parvej had intercepted along with their accomplice and started beating the complainant with bricks and thereafter on the lalkara being raised by the petitioner that the complainant be not spared, the petitioner caught hold of the complainant and forced him to sit on the motor-cycle driven by Parvej with himself holding the complainant in between and had abducted him to Lajpat Nagar near Shiv Mandir where they caused multiple injuries to him and also snatched his gold rings. He submits that the custodial interrogation is required and as such he is not entitled for concession of bail.

4. After Considering the rival contentions and perusing the record it transpires that there are specific allegations against the petitioner of having abducted the complainant and taken him away to secluded place where the petitioner along with co-accused Parvej caused him multiple injuries and also snatched gold rings from the complainant and as the complainant raised hue and cry, some persons gathered on the spot and the petitioner and co-accused Parvej left the complainant and ran away. The petitioner is also involved in 4 other criminal cases and recovery of snatched articles is yet to be effected for which custodial interrogation of the petitioner is required.

5. In these circumstances, considering the nature and gravity of the offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent the petition is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

30.01.2024
Gyan

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