



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-59744-2024

Date of decision: 29.11.2024

Amit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naresh Kumar Khepar, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.325 dated 03.09.2023 under Sections 148/149/323/341/379-B/506 of the IPC (Sections 195-A/325/326/120-B of the IPC added lateron), registered at Police Station Sadar Ballabhgarh, District Faridabad.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner; even as per the allegations levelled in the FIR have been alleged against co-accused Manoj by the complainant. Hence, there was no occasion for the petitioner to have accompanied the co-accused and participated in the occurrence in question. Learned counsel submits that even otherwise there is no specific attribution qua the petitioner much less of having inflicted any of the grievous injuries on the person of the injured. It has been further submitted that co-accused/prime accused Manoj with



CRM-M-59744-2024

whom the complainant allegedly had strained relations, has since been extended the concession of regular bail by the learned Trial Court. Learned counsel submits that since the petitioner has no previous criminal antecedents coupled with the fact that no recovery is required to be effected from the petitioner, he be extended the concession of anticipatory bail.

3. Notice of motion.

4. On asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana, accepts notice on behalf of the respondent-State.

5. Learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR in question which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“To, Chowki In-charge, IMT, Faridabad. Sir, it is requested that I, Mintu son of Narender resident of village Fajipur, District Faridabad and I working as Milkman. On 01.09.2023 in the evening, my friend Pawan @ Aapin resident of village Neemka came to meet us and I & my friend Pawan @ Bhaji were going to village Neemka to drop him at his village on our motorcycle. That it was about 12.45AM on 02.09.2023, when we reached at K.L.J Neemka Chowk, Near Theka then Manoj @ Ghoru Son of Mahesh, Vinod @ Lillu Son of Mahesh, Mahesh Son of Chandru, Sattu Son of Bhulli, Rohit Son of Naresh, Amit Son of Vinod resident of village Neemka and Vipin Son of Satbir resident of Kheri Pul in front of Chandila Diary came there in three vehicles and 4-5 boys came in that vehicle stopped our way & surrounded us and started beating suddenly with Danda, Iron rods having in their hands and Manoj @ Ghoru said to kill Pawan today till death, who will know the consequences of filing a case against us. Manoj @ Ghoru hit iron rods having in his hand directly on my head and Vipin Son of Satbir attacked with iron road having in his hand on my head, which hit on my mouth. I fell down there and all others attacked deadly with danda, iron roads and sharp weapons having in their hands on Pawan @ Bhaji and Pawan @ Aopin and we screamed bachaoo-bachaoo and Vinod @ Leelu has snatched one golden chain and Rs. 22,00/- from me



CRM-M-59744-2024

and Manoj @Ghoru saying loudly that now this time if you registered case, then they will kill us and also said that you do not know that we belong to one big Gang. That who gave injuries to Pawan @ Aapin and Pawan @ Bhaji, they will tell themselves. That Manoj in connivance with their friends and keeping grudge of FIR No. 75 dated 22.03.2023 U/s 323/325/379-B/427/506/34 OF IPC registered at police station B.P.T.P, Faridabad, committed this incident. It is requested that strict legal action be taken against them and arrest them as early as possible. SD/ Mintu applicant S/o Narender village Fajipur, Faridabad Mobile No. 9999175003.”

6. It has been argued by the learned State counsel that not only has the petitioner been specifically named in the FIR in question but there are specific attributions qua his active participation in the occurrence in question; all the accused including the petitioner came armed to the spot in cars and thereafter without any provocation attacked the complainant as a result of which he sustained multiple grievous injuries on his person; in addition, others also who were present at the place of occurrence along with the complainant were not spared and were inflicted multiple grievous injuries. It has been further submitted by the learned State counsel that a perusal of the FIR in question reveals that after the complainant was inflicted injuries, he fell down on the ground, however, even thereafter all the accused, including the petitioner continued to assault him. It has also been submitted that the MLR of the injured, *prima facie*, corroborates the version given in the FIR in question.

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

8. *Prima facie*, it does appear to be a premediated attack



CRM-M-59744-2024

wherein all the accused armed with lethal weapons, inflicted multiple injuries on as many as three persons including the complainant; most of the injuries as per the instructions received by the learned State counsel were declared grievous in nature. In the facts and circumstances, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the instant petition is hereby dismissed.

9. 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.

29.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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