



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

105

CRM-M-8462-2025

Date of decision: 14.02.2025

Dikshant

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gursahib Singh Hundal, 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.446 dated 23.12.2024 under Sections 110, 115, 190, 191(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sector-65, District Gurugram.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations levelled in the FIR which has been reproduced in the body of the petition, submits that a perusal of the same reveals that the petitioner has not been named therein and all allegations have been levelled against some unknown boys who assaulted the complainant and thereafter inflicted injuries upon him, before fleeing away after threatening the complainant with dire consequences. It has also been submitted that the petitioner has no previous criminal antecedents. In addition, it has been contended that



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although as per the case of the prosecution there was a CCTV footage of the occurrence in question, however, the petitioner was not visible therein.

3. Notice of motion.

4. On asking of the Court, Mr. Rahul Mohan, Sr. DAG, Haryana, accepts notice on behalf of the respondent-State.

5. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been contended by the learned State counsel, on instructions from ASI Suresh, that although the petitioner has not been named in the FIR in question, however, it was an unprovoked attack carried out by all the accused, including the petitioner; all the accused, including the petitioner, inflicted multiple injuries on the person of the complainant including grievous injuries on his head. It has also been submitted that a CCTV footage of the place of occurrence which was retrieved by the police following the occurrence in question, clearly reveals the presence of the petitioner along with the co-accused wherein he is seen to be actively participating in the occurrence in question.

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

7. Before proceeding further, it would be apposite to reproduce the contents of the FIR in question which are as follows:-

“To, respected S.H.O. Sir, Police Station Sector-65, Gurugram. Sir, it is requested that am Abhishek s/o Ashok resident of Harchandarpur PS Sadar Sohana. I do the business of property and have my office near Sohana Road, Iskon Temple. On 19.12.2024, I was at my office and time was around 10 pm, I heard noise of a fight



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outside. I went outside and saw that some young boys were giving abuses to the passersby and when they saw me, they ran towards me armed with dandas. I ran towards the backside of my office, then 8-10 boys armed with stick followed me and started to beat me up badly. When I saw them, one of the boys was Mohit alias Tat resident of Rithoj. All the boys were beating me with the intention of killing me and all of them started to give blows with their sticks. Mohit inflicted a blow on my head with his stick and I fell down, even then everyone continued beating me. One unidentified person who was standing there was also given injuries by these people. When the crowd started to gather there, these 8-10 young boys left me and also threatened me that if I am seen again, they will kill me and left the spot. Thereafter my brother Naresh Kumar took me to Ekta Hospital Badshahpur for treatment. After getting discharged from the hospital I have given my written complaint to you and also given the CCTV Footage by putting it in Pen Drive sandisk 16 GB of my office to you alongwith the complaint. Illegal action be taken against Mohit alias Taat and his other unidentified partners. Sd/- Abhishek 96439-04930.”

8. This Court concurs with the submissions made by the learned State counsel that it prima facie appears to be a premediated and unprovoked attack carried out by all the accused, including the petitioner. The complainant is stated to have received multiple injuries including a lacerated wound on his head which as per the learned State counsel stands corroborated by the complainant's medico legal report as well.

9. In the facts and circumstances as enumerated hereinabove and in particular to the mode and manner in which the occurrence in question was given effect to, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

10. However, it is made clear that anything observed

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hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14.02.2025

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No