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

CRM-M-9156-2025

Date of Decision: February 25, 2025

Aman

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Manoj Kumar Taya, Advocate
for the petitioner.
Mr.Tanuj Sharma, AAG, Haryana.

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RAJESH BHARDWAJ, J.(ORAL)

1. The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.827, dated 23.12.2024, registered under Sections 110, 115, 126, 324(5) and 3(5) of Bharatiya Nyaya Sanhita, 2023, (Sections 308, 321, 339, 425 and 34 IPC) registered at Police Station Kundli, District Sonipat.

2. Succinctly, facts of the case are that FIR in the present case was lodged on the statement of Parveen Chander. It was alleged that on 22.12.2024 at about 2.30 in the morning, he alongwith his friend Vivek came to Kundli in his car for some work. They had parked their car in the service lane at Kundli border and were having tea and water. In another car, parked there, three boys were drinking alcohol. Those three boys got down from their car and started abusing them. They slapped him and broke the glass of their car. Complainant and his friend asked the boy why glass of their car was broken. However, he started running from there in his car, but the same hit the divider and overturned. When they were going to their

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house in their car, that boy called his friends and stopped their car. Thereafter, they started beating them. The complainant, however, managed to escape but they caught Vivek and beaten him badly. Vivek was undertaking treatment in LNJP Hospital Delhi. On inquiry, he found that one of the boy was Jatin. Request was made to take the legal action against the culprits. On the basis of the complaint, FIR was registered and the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Sonipat, for grant of anticipatory bail, however, after hearing both the sides, the Court declined the same vide order dated 24.01.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner was present at the time of occurrence nor he has committed any overt act. He submits that the FIR has been lodged with an unexplained delay of one day. He submits that during investigation, two of the co-accused, i.e. Jatin and Ritik were arrested on 09.01.2025 and alleged car was also recovered from them. Both these accused had been granted regular bail by the Court of learned Additional Sessions Judge, vide separate orders, dated 29.01.2025 and 30.01.2025, respectively. He submits that co-accused Jatin sustained multiple injuries at the hands of complainant and Vivek. He further submits that car of the co-accused Jatin had been damaged by the complainant Parveen and their associates. He submits that the petitioner tried to lodge their counter version, however, the complainant being influential person, their version has



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not been recorded. He, thus, submits that no *prima facie* case, as alleged, against the petitioner is made out and hence in the facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.

4. Per contra, learned counsel for the State has opposed the submissions made by learned counsel for the petitioner. He has submitted that during investigation it has been established that the petitioner was not only the person present with the co-accused but he was the main accused. He submits that it was found that the petitioner gave a stick blow on the head of injured Vivek. It is submitted that he produced the MLR of the injured and the opinion of the Doctor regarding the injuries suffered by him. It is submitted that as per the MLR, dated 22.12.2024, Vivek suffered five injuries out of which Injury No.1 was a lacerated wound on the parietal region. He has further submitted that IO sought the opinion regarding the injuries suffered by Vivek and as per the opinion, injury suffered by injured Vivek were declared to be dangerous to life. He submits that co-accused were arrested and they were granted regular bail. He submits that the petitioner is avoiding arrest till date. He thus submits that no case is made out for grant of anticipatory bail to the petitioner. He has further submitted that car of the petitioner, as per investigation, was damaged as the petitioner side, in the process of escaping from the place of occurrence, hit the divider and it was over-turned.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that complicity of the petitioner has been *prima facie* established during investigation. Co-accused have been arrested whereas the petitioner could not be arrested by the police till date as he is avoiding arrest.



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As per the investigation carried out so far, the petitioner has been alleged to have given a stick blow on the head of injured Vivek, who suffered in all five injuries as per MLR, dated 22.12.2024. Injury No.1 was opined to be dangerous to life. However, it is apparent that the investigation is at threshold and in all its probability granting anticipatory bail to the petitioner at this stage would definitely prejudice the on going investigation. There are specific allegations against the petitioner that the injuries caused by him to Vivek were dangerous to life.

6. Hon'ble Supreme Court in State represented by CBI Vs. Anil Sharma, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

7. Hon'ble Apex Court in plethora of judicial precedents including



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and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

8. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

9. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

February 25, 2025
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(RAJESH BHARDWAJ)
JUDGE

- 1. Whether speaking/reasoned ?
- 2. Whether reportable ?

Yes/No
Yes/No