

230

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-58379-2024 (O&M)
Date of Decision:- 16.01.2025

MITHU

Versus

....Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Divya Narula, Advocate
for the petitioner (through VC).

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

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
254	05.06.2024	323, 341, 365, 506, 34 IPC; (325 and 367 IPC added later on)	Civil Line, District Sirsa

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.
She contends that the complainant happens to be the friend of the petitioner
and the alleged injury attributed to the petitioner is not on the vital part of
the body. She submits that a compromise has been effected between the



parties and in this regard, she has referred to the affidavit given by the complainant annexed with the petition as Annexure P-2. She further submits that the petitioner is ready to join investigation, thus, prays for grant of anticipatory bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report submitted by State has assailed these arguments by submitting that the petitioner along with co-accused had forcefully taken the petitioner to a remote place where he was mercilessly beaten. The petitioner, armed with baseball bat and other co-accused armed with *lathis* and sticks gave multiple injuries to the complainant, which caused fracture on various parts of the body. He further submits that the petitioner is involved in 4 other criminal cases and considering his antecedents, he does not deserve the concession of anticipatory bail. Thus, prays for dismissal of the petition as the custodial interrogation of the petitioner is required to recover the weapon used in the commission of offence.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the complainant-Sanjeev Kumar recorded his statement to the police alleging that on 03.06.2024 at about 6/6:30 PM, when he and Lal Mohan were going to Auto market on motorcycle, they were waylaid by Mithu (present petitioner) and Sahaj, who came on a motorcycle. They forcefully took the complainant with them in a vacant plot, where co-accused Jashan Khattar was standing armed with a *lathi* stucked with nails. The petitioner armed with baseball bat and Sahaj and Jashan Khattar armed with *lathis* gave multiple blows with their weapon



and thereafter took the complainant to village Suchan Kotli, where two other boys armed with *dandas* were standing and all of them gave beatings to the complainant with their respective weapons. As per the MLR, the complainant received as many as 12 injuries and injuries No.9 and 11 were declared grievous in nature. So far as the factum of compromise is concerned, the same would not come to the rescue of the petitioner as offences under Sections 365 and 367 IPC are not compoundable.

5. 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.

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

(SANJIV BERRY)
JUDGE

16.01.2025
S.Sharma(syr)

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