



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

216

CRM-M-58815-2024 (O&M)

Date of Decision:- 30.01.2025

DINESH @ SANJU

....Petitioner(s)

Versus

STATE OF HARYANA AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Dhivya Jerath, Advocate
for the petitioner.

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

Mr. G.S. Sandhu, Advocate
for respondent No.2.

SANJIV BERRY, J. (ORAL)

1. Sh. Ashish Kumar, Assistant Commissioner of Police, Kalka is present in Court and has filed his additional affidavit dated 28.01.2025, which is taken on record. SI Devi Lal, Investigating Officer of the case is also present in Court along with record.

2. Arguments heard.

3. 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
430	19.09.2024	115(2), 117(2), 126(2), 190, 191, 351(3) BNS; [109(1) BNS added later on]	Pinjore, District Panchkula, Haryana

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that petitioner had already moved a representation (Annexure P-3) to Deputy Commissioner of Police, Panchkula regarding his false implication due to old enmity. He contends that even no specific overt act is attributed to the petitioner and he is ready to join the investigation, hence prayed for grant of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the reply filed by the State, assisted by learned counsel for the complainant, contends that there are specific allegations against the petitioner of having caused multiple injuries on the person of son of the complainant along with his accomplices, armed with rods, dandas and swords and including fracture in his skull. He contends that the custodial interrogation of the petitioner is required to recover the weapon and prayed for dismissal of the petition.

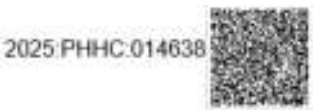
6. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the basis of complaint given by Dharam Pal alleging that his younger son Mohan Lal had gone to supply milk on his motorcycle on 18.09.2024 and as he did not return till night, the complainant along with his son Deepak went in search of him. While they were going on a road from Village Lehi to Karanpur, they saw in the head light of their motorcycle that a person was being beaten by 7-8 boys



and were inflicting *dandas* and swords blow on his head repeatedly. On the complainant and his son reaching the spot, the assailants ran away giving threats to kill the said person. The complainant and his son identified the assailants as Gurpal, Dinesh (present petitioner) and Sanjeev. The complainant and his son found that the person beaten up by the assailants was Mohan Lal. The complainant shifted the injured to the hospital, wherefrom he was referred to PGIMER Chandigarh. The doctor disclosed that the injured was suffering from multiple injuries, including fracture in his skull.

7. So far as the plea of false implication taken by petitioner is concerned, it is stated that the petitioner had moved a representation (Annexure P-3) to Deputy Commissioner of Police, Panchkula. However, the Assistant Commissioner of Police, Panchkula present in Court has placed on record the photocopy of the order passed by Deputy Commissioner of Police, Panchkula on the same, whereby the said representation had been filed.

8. A perusal of the record would reveal that there are specific allegations against the petitioner, by name in the FIR, of having caused multiple injuries on the person of Mohan Lal along with his accomplices with the help of rods, dandas and swords. The complainant as well as his son Deepak had witnessed the occurrence, and in case they would not have intervened in time, the assailants would have killed the victim. The custodial interrogation of the petitioner is required to recover the weapons used in the commission of offence.



9. 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.
10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.01.2025
S.Sharma(syr)

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