

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 16539 of 2015 (O&M)
Date of decision: 8.6.2015

Ashok Verma

.. Petitioner

v.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Jitender Dhanda, Advocate for the petitioner.
Mr. G. S. Wasu, Addl. Advocate General, Haryana.
Mr. Jagdish Rai, Advocate for the complainant.

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Rajesh Bindal J.

Prayer in the present petition is for grant of pre-arrest bail to the petitioner in FIR No. 306 dated 26.4.2015, under Sections 323, 325, 341, 307, 506, 148 and 149 IPC, registered at Police Station City Hansi, District Hisar.

Learned counsel for the petitioner submitted that the petitioner was initially arrested and released on regular bail by the learned court below vide order dated 27.4.2015, however, thereafter offence under Section 307 IPC was added in which the petitioner is sought to be arrested. The petitioner had not misused the concession of bail granted earlier. Investigation is already complete. The offence under Section 307 IPC has been added on account of fracture in the skull of the injured, namely, Mohit, however, the same has not been attributed to the petitioner. The learned

court below has wrongly observed that recovery of weapon of offence is to be made. The same had already been done when the petitioner was taken into custody and thereafter released on bail.

On the other hand, learned counsel for the State and the complainant submitted that initially in the morning Ram Richpal, the complainant, and his wife were beaten up by the petitioner and Ashok Taneja, for which FIR No. 302 dated 23.4.2015 was got registered. The complainant is carrying on business of gift items at Hansi. In the evening, on the same day, when the complainant along with his son-Mohit were going back to their house, his son was beaten up by the petitioner, Ashok Taneja and 10-12 other persons. In the process, Mohit suffered four injuries including fracture in skull. Initially, Mohit was admitted in Civil Hospital at Hansi. Thereafter, he was referred to Hisar, where he remained admitted in Sarvodya Hospital and from there he was taken to Medanta Hospital at Gurgaon. There he remained admitted for about three weeks. Even in CT scan conducted in Sarvodya Hospital, fracture in skull was noticed, however, the offence could not be added as the injured was not in a condition to get his statement recorded. He further submitted that in FIR No. 302 dated 23.4.2015, bail granted to the petitioner has been cancelled on account of his non-appearance in the court on 30.5.2015 and his bail bonds have been forfeited. It was further submitted that conduct of the petitioner does not entitle him pre-arrest bail. He has no respect for law. Despite one FIR already being there against him, he along with other accused mercilessly beaten up the complainant and his son. It was further submitted that all other accused are absconding.

After hearing learned counsel for the parties, I do not find this to be a fit case for grant of pre-arrest bail to the petitioner. Despite there being FIR registered against the petitioner and Ashok Taneja for the injuries inflicted by them to the complainant and his wife in morning, still in the evening on the same day, as per the allegations in the FIR in question, the son of the complainant, namely, Mohit was mercilessly beaten up. As a result of which he suffered grievous injuries including one fracture in the skull. He remained admitted in Medanta Hospital, Gurgaon for three weeks,

besides at Civil Hospital, Hansi and Sarvodya Hospital, Hisar for a couple of days. All other accused in the FIR are absconding. Still further, the report of CT scan conducted at Sarvodya Hospital, Hisar was received by the police on 25.4.2015 showing fracture in skull. The injured was still unconscious. Even then, the petitioner, who was arrested on 27.4.2015, was released on the same day. The aforesaid facts were apparently not brought to the notice of the court below, as the same do not find mention in the order passed.

Accordingly, the present petition is dismissed.

(Rajesh Bindal)
Judge

8.6.2015
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