

CRM No. M-18866 of 2015
DECIDED ON: JULY 17, 2015

.....PETITIONER

VERSUS

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH.

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr. Sushil Kumar Verma, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

JASPAL SINGH, J (ORAL)

This is a second bail application preferred by Vishnu under Section 439 Cr.P.C. seeking bail during the pendency of trial in a cross version case under Sections 307, 326, 323, 341 and 34 IPC lodged in FIR No. 255 dated 11.07.2014 under Sections 302, 341, 148 and 149 IPC, Police Station Sadar Sirsa, District Sirsa.

2. It has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in the cross version case. In fact he is innocent and has not committed any offence. He is a victim of circumstances and cross version is absolutely false, bogus and baseless, which has been lodged with an ulterior motive by making bald allegations against him in order to pressurize him to prevent him from appearing in Court for making deposition in a criminal case registered against complainant, as well as to put pressure upon him to compromise the matter. The name of the petitioner initially did not figure in FIR in the first version of Kuldip Singh and it goes a long way to show that he has

been subsequently named in order to enlarge the arena of accused persons in order to put pressure upon him. It has further contended by learned counsel for the petitioner that there are serious contradictions in medical as well as in ocular evidence. In the statement before the police Kala Ram stated that he received two injuries allegedly inflicted by Babbu and other assailants on the right side of stomach of Kuldip Singh by knife. In fact, there is only one injury that too, a lacerated wound on his right flank region. Moreover, during investigation of this case, recovery of an iron rod has been shown to have been effected from the petitioner and with that weapon, stab wound is not possible. In fact, the said injury has been inflicted by way of friendly hand. Petitioner is also undertakes to abide by all the terms and conditions imposed by this Court in case he is granted the concession of bail.

3. On the other hand, learned State counsel has strongly opposed the submissions made by learned counsel for the petitioner and has submitted that injury which falls within the ambit of Section 307 IPC has been attributed to the petitioner by injured as well as by one of eye witness. Thus, he does not deserve the concession of bail.

4. This Court has given an anxious thought to the contentions raised by learned counsel for the parties and have perused the record available on file.

5. Admittedly, instant case is a version and cross version case. FIR No. 255 dated 11.07.2014 under Sections 302, 341, 148 and 149 IPC, Police Station Sadar Sirsa, District Sirsa has been registered against Kuldip Singh and others for committing the murder of Babbu brother of Parveen Kumar co-accused. There is a specific attribution against petitioner that he caused injury on the right flank region, which has been opined to be dangerous to life by the concerned Medical Officer. The said injury *prima facie* cannot be said to be a result of friendly hand.

Taking into consideration the seriousness and gravity of offences complained of against petitioner as well as considering the above-said factors, this Court is of the considered view that no case is made out for grant of bail.

6. Accordingly, instant petition is dismissed.

JULY 17, 2015
SHAM

(JASPAL SINGH)
JUDGE