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

**Date of Decision: January 29, 2015.
CRM-M-7 of 2015**

Mehar Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CRM-M-8 of 2015

Ghanshyam Dass

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Krishan Singh, Advocate
for the petitioner (in both the cases).

Mr. G.S. Bajwa, Advocate
for the complainant (in both the cases).

Ms. Dimple Jain, AAG Haryana.

SABINA, J.

Vide this order, above mentioned two petitions would be disposed of as petitioners have sought anticipatory bail in FIR No.223 dated 28.11.2014, under Sections 148, 149, 323, 324, 326, 341, 379, 506, 120-B of Indian Penal Code, 1860 ('IPC' for short), registered at Police Station Sadhaura, District Yamuna Nagar.

Prosecution story in brief is that on 27.11.2014, complainant-Pawan Kumar was going from his house to O.B.C. Bank, Bilaspur on motorcycle and he was having

₹2,40,000/- with him. At about 9:00 AM, when the complainant reached near *Bagula Ke Kuwan*, he was waylaid by 8-10 persons. Ghanshyam and Mehar Singh were armed with a *Patli* (sickle used for cutting sugarcane), Surender was armed with an iron rod, Rinki Rani and Jugal Kishore were armed with sticks. Other four persons with muffled faces were not known to the complainant. Ghanshyam Dass gave a *Patli* blow on the left leg below the knee and Mehar Singh gave a *Patli* blow on the right leg of the complainant. Complainant fell down from the motorcycle. Then Surender gave 3-4 iron rod blows on the back of the complainant. Rinki Rani tried to give a stick blow on the head of the complainant, but the complainant raised his right hand and suffered injury on his right hand. Jugal Kishore gave 3-4 stick blows on the right shoulder of the complainant. The unknown persons also inflicted injuries on the person of the complainant. Mehar Singh took out ₹2,40,000/- from the pocket of the complainant, which he was going to deposit in the bank. Ghanshyam Dass removed gold chain and gold ring and wrist watch worn by the complainant. After throwing the complainant in the bushes, all the assailants fled away from the spot.

Learned counsel for the petitioner has submitted that no offence under Section 326 IPC could be said to have

been committed by the petitioner. In fact, petitioners have been falsely involved in this case. On the day of occurrence, petitioner Mehar Singh had visited Manocha Eye and General Hospital Private Limited.

Learned State counsel on instructions from Assistant Sub Inspector Om Parkash has submitted that although, petitioners have joined investigation, but were not cooperating with the investigating agency and are required for custodial interrogation.

Learned State counsel who is also assisted by the counsel for the complainant, has further submitted that as per the medical opinion, complainant had suffered fracture of left tibia and fibula.

In the present case, allegations levelled against the petitioners are serious in nature. As per the prosecution case, both the petitioners were armed with sharp edged weapons at the time of occurrence. Injured-Pawan Kumar has suffered grievous injuries as he has suffered fracture of left mid-shaft tibia and left distal fibula. Occurrence in the present case had taken place at 9:00 AM. As per the record of the Manocha Eye and General Hospital, placed on record as Annexure P-3 in Crl. Misc. No.M-7 of 2015 as receipt in the name of petitioner Mehar Singh had been prepared in the said hospital at 10:49 AM. Mehar Singh was operated on 03.12.2014 and was

discharged on 04.12.2014. Hence, at this stage, no reliance can be placed on Annexure P-3 as occurrence had taken place at 9:00 AM. Petitioners are required for custodial interrogation.

Keeping in view the seriousness of allegations levelled against the petitioners, no ground for grant of anticipatory bail to the petitioners, is made out.

Dismissed.

**(SABINA)
JUDGE**

January 29, 2015
m.singh