

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

CRM-M No.20719 of 2016
Date of decision: 3rd August, 2016

Sunil @ Shushil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J

Allegations against the petitioner Sunil @ Shushil in this anticipatory bail application under Section 438 Cr.P.C. are that he along with his co-accused non-applicants Dharmender @ Kalu and Kuldeep on 21.01.2016 around 11.30 p.m. after coming to the house of complainant Sombir called him out and thus, assaulted him with iron rod and danda. The petitioner is alleged to have given blow of iron rod/saria on the head while the others assaulted him with their respective weapons on different parts of the body leading to his hospitalization and registration of the case.

Contentions of learned counsel for the petitioner that the co-accused Dharmender @ Kalu and Kuldeep have already been allowed this relief by this Court and that the injury attributed to the petitioner is

not covered under Section 307 IPC, are opposed with much vehemence by learned State counsel submitting that there have been multiple fractures on the head and the condition of the patient had remained precarious and that the petitioner is not entitled to any relief.

Appreciating the submissions, the very medical evidence reflects three fractures on the head i.e. lateral wall of left orbit, frontal bone left side and ethmoid bone. The allegations that the petitioner was armed with an iron rod with which he has caused these injuries on the head, a vital part of the body, necessitates his custodial interrogation for recovery of the weapon of assault. The case of the co-accused is on a different footing. In view of the heinousness of the offence does not call for grant of bail.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

August 3, 2016
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No