

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

**CRL. MISC. No.M-22494 OF 2016 (O&M)
DATE OF DECISION : 17th OCTOBER, 2016**

Sanjay & others

.... Petitioner

Versus

State of Haryana

.... Respondent(s)

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Anshuman Dalal, Advocate for the petitioners.
 Ms. Tanu Shree Gupta, DAG, Haryana.
 Mr. Anoop S. Sheoran, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

CRM-28964-2016

The application is allowed and Annexures R-1 to R-8 are taken on record, subject to all just exceptions.

CRM-M-22494-2016

The petitioners have filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.389 dated 02.03.2016 registered under Sections 148, 149, 323, 325, 506 IPC (Section 307 IPC added later on) at Police Station, Kalanaur District Rohtak.

Heard learned counsel for the rival parties.

Learned counsel for the complainant has vehemently opposed the petition for grant of anticipatory bail on the ground that earlier the petitioners had been successful in getting a favourable injury report in order to wipe out Section 397 IPC from the FIR. Thereafter the complaints were made to the higher authorities to constitute a Board of medical officers and the Board of medical officers have found that the injury No.4 is dangerous and grievous in nature and therefore, Section

397 IPC is rightly attracted and therefore offence being the serious the relief of anticipatory bail should not be extended.

Similar is the plea raised by the learned State counsel while opposing the petition for anticipatory bail.

In the light of above controversy, this Court wanted to see the medical report made by the Medical Board and as well as earlier medical report. Upon perusal of the report prepared by the Board of doctors it is seen that the Board has castigated the Doctors writing the earlier report.

In that view of the matter, I have carefully gone through the report made by the Medical Board. The Medical Board in its report has described that only injury No.4 is dangerous while nothing is said about the above described three injuries. However, to my dismay, the injury No.4 has not been described by the Board and there is no reason why it has not described the injury No.4 in order to satisfy the mind of the Court that the injury No.4 is really dangerous. The non-description of the injury No.4 prima facie creates suspicion about the report. If the injury was on the head, certainly the X-ray report, C.T. Scan report etc. ought to have been mentioned in the Board's report but that is not so. I am, therefore, satisfied that the prima facie case is made out to grant the concession of anticipatory bail to the petitioners.

However, upon perusal of the entire papers, it appears that the complainant was assaulted by the petitioners as all of them are of the same village. The grievance of the complainant, therefore, will have to be taken care of. In that view of the matter, this Court made a query to counsel for the petitioners that as to whether the petitioners would stay outside the village Baniyani. The counsel for the petitioners has made a categorical statement upon instructions from the petitioners that the petitioners would not enter the village Baniyani. Statement is accepted.

Liberty is however reserved in favour of the petitioners to apply for modification of this condition. This court would thereafter consider the relaxation of condition upon hearing the learned counsel for the State as well as for the complainant.

In that view of the matter interim order dated 08.07.2016 is made absolute with the above stipulations.

Disposed of accordingly.

17th OCTOBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No.