

203-A

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

CRM-M-36573 of 2016.

Decided on:-07.11.2016.

Mainpal.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Jitender Nara, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. U.K. Agnihotri, Advocate
for the complainant.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.117 dated 24.5.2016 under Sections 148, 149, 323, 324 and 326 IPC registered at Police Station Salhawas, District Jhajjar.

Learned counsel for the petitioner has argued that the petitioner is innocent and has been falsely implicated in the case for extraneous consideration. He is working with Delhi Police and was on duty on the alleged date of occurrence. It is because of the reason that he is a Government servant, he has been involved in this case. The offence under Section 326 IPC has been added at a later stage.

Learned counsel for the petitioner has further argued that the prosecution has shown one sharp injury on the person of injured Sukhbir son of Mansa Ram, but no specific injury has been attributed to the petitioner. He has referred to the judgment of this Court in ***Hari Parkash and another Versus Union Territory of Chandigarh 1982 C.C. Cases 243 (HC)*** and pleaded that recovery of weapon is no ground to decline anticipatory bail and interrogation can be made even when the accused persons are on bail.

On the other hand, learned counsel for the complainant has referred to the medico-legal report of the injured and stated that as per the FIR, the petitioner has been attributed injury on the head of the complainant with 'Farsa'. Therefore, it is wrong to suggest that no injury has been attributed to the petitioner. He has referred to the opinion of the Medical Board dated 19.8.2016 of Civil Hospital, Jhajjar wherein the Board has opined that the nature of injury inflicted upon the complainant is declared as grievous and caused by a sharp weapon. He has referred to the report and the relevant injury which reads as under:

“CT HEAD report shows #LT frontoparietal bone with pneumocephalus with SDH with haemorrhagic contusion with no midline shift.”

Learned State counsel, on instructions from ASI Shree Krishan, has contended that the recovery of weapon i.e. 'Farsa' used in the crime is yet to be effected from the petitioner.

I have heard learned counsel for the parties.

Taking into consideration the nature of injury attributed to the petitioner and caused to the injured-complainant coupled with the fact that the recovery of weapon is yet to be effected from the petitioner, no case for grant of anticipatory bail is made out. The judgment referred by learned counsel for the petitioner in *Hari Parkash and another's case (supra)* has no applicability on the facts and circumstances of the present case as specific injury has been attributed to the petitioner. Therefore, this Court does not find any merit in the present petition and the same is, accordingly, dismissed.

November 07, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No