

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No.M-8735 of 2016

Date of Decision: May 09, 2016

Rajat son of Mahender

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.JS Bedi, Senior Advocate with
Mr.Karan Sidhu, Advocate for the petitioner.

Mr.Vivek Saini, Deputy Advocate General, Haryana.

Mr.MK Sood, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks concession of anticipatory bail in case FIR No.26 dated 12.2.2016, under Sections 323/506 of the Indian Penal Code and Section 307 of the Indian Penal Code (added subsequently), registered at Police Station Tigaon, District Faridabad.

2. Briefly, it may be noticed that FIR came to be registered at the instance of complainant/injured Gaurav Hooda. Occurrence is stated to be of 8.2.2016 when the complainant had gone to attend a marriage ceremony along with his uncle Dharam Pal and a friend Devender. An altercation is stated to have

ensued wherein it is alleged that the present petitioner inflicted a knife blow in the stomach of the complainant/injured.

3. Learned counsel appearing for the petitioner would place reliance upon an order/circular dated 21.7.2010 issued by the Additional Director General of Police (Law and Order), Haryana wherein it had been directed that no case would be registered on the opinion/MLR of a private Doctor and only in special and extreme circumstances, a victim could be taken and admitted in a private Hospital, but legal action would be initiated only after taking opinion from a Government Medical Board. The categorical submission of learned counsel for the petitioner is that in the present case, offence under Section 307 of the Indian Penal Code has been cited without complainant/injured Gaurav Hooda being examined at the hands of any Government Doctor. That apart, it has been argued that even though the occurrence is alleged to have taken place on 8.2.2016 at about 10.15 p.m., but the matter was reported to the police only on 12.2.2016 and such delay itself is a pointer towards false implication.

4. Having heard learned counsel for the parties at length, this Court is not inclined to insulate the petitioner with an order of pre-arrest bail.

5. On a previous hearing i.e. on 29.3.2016, learned State counsel had very fairly submitted that time be granted for the complainant Gaurav Hooda to be examined physically before a Board of Government Doctors for a second opinion to be recorded. Such request was acceded to by this Court and arrest of the petitioner was stayed in the meanwhile.

6. It has gone uncontroverted that thereafter the complainant has been examined physically by a Board of Directors consisting of Dr.Rohit Gaur, Medical Officer, Civil Hospital, Faridabad, Dr.Yogesh Gupta, Medical Officer, Civil Hospital, Faridabad and Dr.Sandeep Aggarwal, Surgeon, Civil Hospital, Faridabad and who have opined that the injury in the abdominal wall of Gaurav is dangerous to life.

7. Such injury is specifically attributed to the present petitioner.

8. As regards the delay in registration of the FIR, learned State counsel would submit that initially the complainant/injured was declared not fit to make a statement and thereafter the statement was recorded on 12.2.2016 only upon him being declared fit for statement.

9. In view of the opinion rendered by the Board of Doctors of a Government Hospital and coupled with the serious allegations and gravity of offence, this Court is not inclined to accept the prayer made in the present petition seeking concession of pre-arrest bail.

10. Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

May 09, 2016
SRM

Note: *Whether to be referred to reporter? (Yes/No)*