

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 103

CRM-M-12150-2017

Decided on : 23.05.2017

Mosim

..... Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Altaf Hussain, Advocate, for the petitioner(s).

DEEPAK SIBAL, J. (ORAL)

Through this petition filed under Section 438 Cr.P.C., the petitioner seeks the concession of anticipatory bail in FIR No.21, dated 23.01.2017, registered under Sections 323, 452, 506 and 307 IPC, at Police Station Nagina, District Nuh.

As per the FIR, on 19.01.2017 the petitioner alongwith co-accused were cutting a tree which was standing in the plot of the complainant. On coming to know of this fact, the complainant reached his plot and restrained them from cutting the tree but the petitioner and the co-accused were adamant. The complainant then came back home. Keeping such grudge, on the very next morning i.e. on 20.01.2017 at 7 O' clock, the petitioner and the co-accused armed with lathis and stones entered the complainant's house. On seeing them, the complainant attempted to hide himself but he was located and brought out of his hiding place. He was then given merciless beatings. The petitioner, who was having stone in his hand, hit the complainant on the left side of his head. The complainant raised an alarm which brought residents of the village to his house. On seeing them, the petitioner and co-accused after giving threats to the complainant fled from the spot. The complainant was then admitted to the hospital where the injury inflicted by the petitioner was declared dangerous to life.

The only ground urged before me to seek anticipatory bail for the petitioner is that co-accused Sirajuddin and Mustafa who had earlier approached this Court through CRM-M-5571-2017 "*Sirajuddin and another vs. State of Haryana*" through order of this Court dated 09.05.2017 had been granted anticipatory bail.

I have gone through the order passed in CRM-M-5571-2017 "*Sirajuddin and another vs. State of Haryana*" and find that the facts therein are completely distinguishable. In fact, learned counsel appearing on behalf of the petitioners therein had submitted before the Court that the petitioners therein had been attributed only simple injuries and that too on non-vital parts of the injured. It was further submitted that it was the petitioner herein who was the main accused as it is he who had been alleged to have given the injury on the head of the complainant which had been declared dangerous to life. It is on this basis that this Court had granted Sirajuddin and Mustafa the concession of anticipatory bail.

Even otherwise, the allegations against the petitioner are grave. The injury which is attributed to him has caused a depressed comminuted fracture of the frontal bone on the left side of the head of the complainant. Such injury, in the opinion of the doctor, has been declared dangerous to life.

In view of the gravity of the offence and for the reason that the case is at investigation stage where the possibility of the petitioner tampering with the evidence and influencing the witnesses cannot be ruled out especially when it is stated that the petitioner and the complainant are relatives, in my opinion, custodial interrogation of the petitioner is warranted.

Dismissed.

23.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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