

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

CRM-M-33926 of 2017.  
Decided on:-18.09.2017.

Kiran Nagi.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

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Present:- Mr. Sandeep Arora, Advocate  
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab  
for the respondent-State.

**HARI PAL VERMA, J.(ORAL)**

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.168 dated 12.08.2017 under Sections 323, 324, 342 and 506 read with Section 34 IPC and Section 326 IPC (added later on) registered at Police Station Division No.1, Jalandhar, District Jalandhar.

On the basis of complaint made by Gaurav Bajaj, the present FIR was registered against the petitioner as well as other co-accused. As per the FIR, complainant Gaurav Bajaj was married with Alisha Bajaj daughter of accused Deepak Nagi, resident of Jalandhar. After picking up some quarrel, the wife of complainant had gone to the house of her parents in Jalandhar. Surabhi, who is younger sister of Alisha Bajaj gave a phone call to the

complainant asking him to take Alisha with him. She also told that she would make her parents and Alisha understand. On the basis of the phone call, the complainant had gone to the house of his in-laws at Survya Vihar, Jalandhar on 11.08.2017 at about 10.30 P.M. and had asked his in-laws family that he had come to take Alisha and children with him. On this, accused Deepak Nagi (father-in-law of the complainant) asked him to sign certain papers, but when the complainant refused to sign such papers, accused Deepak Nagi started abusing him and called his brother Kiran Nagi (present petitioner) at his house. The petitioner started abusing the complainant and had given two blows with Kara worn by him in his hand, which hit on the back side of the head of the complainant. Due to the said injury, blood started oozing out. Accused Deepak Nagi also threw the complainant on the ground and started giving kick blows. In this manner, the complainant suffered injuries on his face, private parts and left elbow. The accused also took away mobile phone of the complainant and locked him in a room for an hour. Then the accused had given a phone call to the PCR employees, who got the mobile phone of complainant returned to him. While the complainant was being taken to the police station in injured condition, the complainant informed his parents, who had taken the complainant in civil hospital, where he was provided medical aid and bandage.

As per the medico-legal report, the doctor had shown total 7 injuries on the person of the complainant, out of which injuries No.1 and 7 were kept for the purpose of x-ray and CT scan examinations, whereas injury No.2 for x-ray examination. Injuries No.3 to 6 were declared simple in nature.

The injuries No.1 and 7 were caused with sharp weapon, whereas injuries No.2 to 6 were caused with blunt weapon.

Learned counsel for the petitioner has argued that the FIR in question has been registered because of long term drawn litigation between the parties. The wife of complainant Gaurav Bajaj has also lodged FIR No.8 dated 04.01.2014 under Sections 406 and 498-A IPC at Police Station Women Cell, Jalandhar against him. She has also filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the complainant. However, later on, a compromise was effected between the parties. Still, complainant Gaurav Bajaj has not improved his behavior. In fact, the complainant himself had come to the house of the brother of the petitioner in drunken condition and had caused injuries on the person of the petitioner. The petitioner has not caused any injury to the complainant, rather, the injuries on the person of complainant are self-suffered. The complainant himself has committed offence as he had come to the house of accused Deepak Nagi in drunken condition. In fact, the complainant had trespassed the house of the brother of the petitioner. Moreover, the complainant has not appeared before the medical board to get his injuries examined, which is sufficient to establish that the injuries on the person of complainant are self-inflicted and petitioner has been dragged in the case unnecessarily.

On the other hand, learned State counsel has argued that the petitioner had caused injuries on the person of complainant along with other co-accused. Out of 7 injuries so received by the complainant, 2 injuries were declared grievous in nature and accordingly, the offence under Section 326

IPC was added later on. The allegations against the petitioner are specific as he had given two blows with Kara worn by him in his hand, which hit on the back side of the head of the complainant. He has also referred to the medico-legal report dated 13.08.2017 of the complainant prepared by Dr. Surinder Pal of Civil Hospital, Jalandhar.

I have heard learned counsel for the parties.

The opinion of Dr. Surinder Pal of Civil Hospital, Jalandhar, as mentioned in the medico-legal report dated 13.08.2017 of the complainant reads as under:

*“After receiving x-ray and CT scan report given by Dr. Mohinder Partap Singh, Radiologist, Civil Hospital, Jalandhar under vide No.RAD.273.chj.2017 dated 12.08.2017 showing fracture of occipital bone posterior in the mid-line and fracture of nasal bone in favour of injury No.1 and 2 which is hence declared grievous in nature, injury No.7 declared simple in nature. Original x-ray, CT scan report attached along with.”*

Considering the nature of injuries on the person of complainant Gaurav Bajaj, out of which 2 injuries are grievous in nature, no ground for grant of anticipatory bail to the petitioner is made out. The plea of learned counsel for the petitioner that the complainant had trespassed the house of the brother of petitioner cannot be accepted for the reason that the wife of the complainant was staying in the house in which the complainant had visited and moreover, he is stated to have visited there on the phone call of Surabhi, the sister-in-law of the complainant.

Accordingly, the present petition, being devoid of any merit, is dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

September 18, 2017  
Yag Dutt

(HARI PAL VERMA)  
JUDGE

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