

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

Crl. Misc. M-36439 of 2017 (O&M)
Date of Decision: November 02, 2017

Harpal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Sharmila Sharma, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in cross-case registered under Sections 323, 341, 342, 324, 325, 307, 506, 34 of Indian Penal Code at Police Station Bapoli, District Panipat in FIR No.84 dated 14.06.2017 registered under Sections 354-B, 452 of Indian Penal Code (offence under Section 376 IPC added later on).

Counsel for the petitioner contends that petitioner is falsely implicated in the cross-case registered at the instance of Deepak son of Raj Kumar. Whereas, in fact, wife of the petitioner was ravished by Deepak by trespassing into their house. It is argued that allegations of inflicting injuries have been levelled against the petitioner, his wife and mother, but the ocular

version given by the complainant is contradictory to the injuries as mentioned in his MLR. It is also contended that all the injuries on the person of the complainant are stated to be caused with blunt weapon and there is only one incised injury, which are not sufficient to constitute the offence under Section 307 of Indian Penal Code. It is submitted that this cross-case has been registered as a counter-blast to the FIR registered at the instance of wife of the petitioner, just to put pressure upon the petitioner and his family members, not to pursue the case registered against Deepak.

Learned counsel appearing on behalf of the respondent-State opposes the grant of anticipatory bail to the petitioner, while submitting that the allegations levelled against the petitioner are serious in nature.

At this stage, appearance has been caused on behalf of the complainants by Mr. Ajay Singh, Advocate and Mr. Vikram Singh, Advocate and filed their power of attorneys, which are taken on record. Learned counsel contend that FIR No.84 dated 14.06.2017 had been registered by the wife of the petitioner, just to save the petitioner from the wrong done by him. It is argued that it was the petitioner herein, who stopped the complainant, while he was going to Samalkha for bringing cement along with his friend. It is submitted that when the complainant reached in front of the house of petitioner, the petitioner called him in his house, wherein the wife and mother of the petitioner were already present. It is stated that the petitioner enquired from the complainant that as to what relation he has along with his wife and while saying so, the petitioner gave a 'dav' blow on his head. Thereafter, the mother of the petitioner gave him fist and kick blows and when the complainant raised the alarm, his friends and

other neighbours saved him. It is also contended that on the opinion of the doctor, Sections 324, 325, 307 of IPC were added, because as per MLR injuries No.1, 2 and 3 are declared to be dangerous to life.

I have learned counsel for the parties and perused the record of the case.

A reading of the FIR would go on to show that there are serious allegations that have been levelled against the petitioner. A specific role has been attributed to the petitioner herein in the FIR that he gave dav blow on the head of the complainant. In the MLR of the complainant, the doctor has opined the injuries No.1, 2, and 3, which are on the head of the complainant, to be dangerous to life.

In view of the facts and circumstances of the present case and nature/gravity of the offence, this court is of the considered view that no ground is made out to grant the relief of anticipatory bail to the petitioner where, custodial interrogation of the petitioner is required. Accordingly, the petition in hand is hereby dismissed, being devoid of any merits.

However, anything observed hereinabove shall have no affect on the merits of the case, which is only for the purpose of deciding the anticipatory bail application.

November 02, 2017

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No