

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

Criminal Misc. No. M- 1489 of 2018 (O&M)

Date of decision : March 01, 2018

Vipin Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Raman Singh Dhanda, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 1272 dated 28.09.2016 under Sections 307, 323, 354D, 376 IPC and Sections 25, 54, 59 of Arms Act registered at Police Station City Panipat.

It is submitted that the petitioner has been falsely implicated in this case. While referring to photographs attached as Annexure P-2 with this petition, it is submitted that relationship between the parties, if any, was entirely consensual. No offence under Section 376 IPC is made out. Moreover, the complainant, in this case, has been examined. As per the doctor's opinion, injuries on the person of the victim are not opined to be grievous in nature, therefore, Section 307 IPC is not made out. The petitioner, it is submitted, has been in custody since 20.09.2016. Therefore, this petition be allowed.

Learned counsel for the State has opposed this petition while submitting that there are specific allegations against him.

Medical evidence on record reveals five injuries on the person of the

victim - on the head, in the abdomen, neck, index finger and forearm. Stitched wounds are reported to be detected on the person of the victim on 01.10.2016 when she was medically examined in the Civil Hospital, Panipat. Stitched wounds over the mid epigastrium and on the middle finger were found. It is further submitted that the firearm used by the petitioner was recovered. The blood stained bullet and cartridge recovered from the spot matched with the weapon recovered. It is, thus, prayed that this petition be dismissed.

Heard, learned counsel for the parties.

As per the allegations in the FIR, the petitioner was pursuing the complainant aged 19 years. He called her on the roof of the college on 28.09.2016, when she had gone there to take her practical examination. The petitioner asked her to marry him or else he threatened to black mail her by displaying obscene videos of the complainant which he had prepared. The victim refused to marry him on which the petitioner hit her on the head with the bricks which were lying on the roof of the college. Further, he shot her from a country made pistol and then fled from the spot. The victim was taken to Prem Hospital, Panipat for treatment. The present FIR was registered. Investigation was carried out. As per the medico legal report dated 28.09.2016 given by Prem Hospital, Panipat, it is noted that there is a firearm injury in the abdomen below the sternum which was bleeding. Injury on the forehead with ragged margins was detected as well. In the medico legal report in respect to the medical examination conducted at

Civil Hospital, Panipat on 01.10.2016, a stitched wound over mid epigastrium, a stitched wound over scalp and forehead besides bruises on the neck and right index finger, dark brown scab formations over both forearms were noted. As per the FSL report dated 26.04.2017, the fired bullet and cartridge recovered from the spot matched with the country made pistol recovered from the petitioner. The complainant has supported the prosecution case. The alleged discrepancies, as sought to be pointed out by learned counsel for the petitioner, shall doubtlessly be looked into at an appropriate stage by the learned trial Court. Long incarceration of the accused by itself cannot be ground to afford the concession of bail.

Keeping in view the nature of the allegations offence, I do not find any ground whatsoever to afford the concession of bail pending trial to the petitioner.

Present petition is, accordingly, dismissed.

March 01, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No