

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

**CRM-M No.23976 of 2018 (O&M)
Date of Decision: 01.06.2018**

Manish Badhana

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Raghav Gulati, Advocate for the petitioner.

Mr. Vikas Malik, Deputy Advocate General, Haryana
for the respondent/State.

Mr. Baljeet Beniwal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of anticipatory bail to the petitioner in case FIR No.118 dated 15.03.2018, under Sections 148, 149, 323, 427, 506 and 379-B of the Indian Penal Code (Sections 341, 325 and 307, IPC added later on), registered at Police Station Old Faridabad, District Faridabad.

Brief facts of the case are that on 15.03.2018, complainant-Kapil Dagar along with his friend was present in Manav Rachna College, Faridabad from where he is pursuing the BBA Final year and accused Gajinder Bhadana along with his friends/co-accused gave beatings to his friend-Sachin. In that regard, a complaint was made to Satish Arora, In-charge, Vigilance Department of the College, but he did not entertain the same. Thereafter, they presented a written complaint to In-charge, Police Post Sector 46, Faridabad against accused Manish Bhadana and his friends, namely, Gaurav Bhati, Sagar Bhadana, Gajender Bhadana, Yogesh Bhati,

Sunny Chandila, Parth Parashar and Yogesh Bainsla etc. When complainant-Kapil Dagar, his brother-Yogesh and Saurabh reached Manav Rachna Metro Station on their Cars, all the aforesaid accused in 7-8 vehicles reached there, having *Sword*, *Dandas* and *Iron Rods*. Out of which, one vehicle was trapped in front of complainant's vehicle and accused persons attacked upon the complainant party and had also broken the window panes of their vehicle and dragged them from their vehicle. Accused Manish Bhadana (petitioner herein) gave *Sword* blow on the head of Yogesh (brother of the complainant) whereas co-accused Gajender Bhadana gave *Iron Rod* blow on his head and mouth. When the complainant tried to rescue his brother-Yogesh then co-accused Sagar Bhadana gave *Iron Rod* blow on the head of complainant-Kapil Dagar and he also sustained injuries on his hand. Co-accused Yogesh Bhati and Gaurav Bhati attacked upon Lalit Dalal by *Sword* and *Dandas* on his head and legs. Co-accused Sunny Chandila and others also attacked upon the complainant party. On seeing the public, all the accused persons ran away from the spot after giving threats to the complainant party. Co-accused Gajender Bhadana and Gaurav Dixit also snatched away Mobile bearing SIM No.9416886068.

It is contended by learned Counsel for the petitioner that the petitioner was not present at the time of occurrence. It is further contended that the injuries given by the *Sword*, alleged to have been caused by the petitioner, are not dangerous to life.

On the other hand, learned State Counsel, on instructions from ASI Subhash Chand, has opposed the bail application by submitting that the

Board of Doctors opined that the injury, caused by the petitioner on the person of Yogesh Dagar (brother of the complainant), is dangerous to life. He produced the copy of the opinion of the Board of Doctors. The same is taken on record and copy supplied to the opposite side also.

Perusal of the contents of the FIR, *prima facie*, show that the petitioner has been specifically named and he has caused the head injury to Yogesh Dagar and after examination, the Board of Doctors opined that the injury attributed to the petitioner is dangerous to life, which reads as under:-

“ **OPINION OF THE BOARD**

As per letter No.342 -P dated 10.04.2018 DCP crime office a board was constituted for opinion regarding the nature of injury of Yogesh Dagar s/o Beer Singh Dagar M.L.C. No.AS/AIMS/15/03/2018.

On examining M.L.C., discharge summary from asian hospital (DOA 15/03/2018 D.O.D. 17/03/2018, IPD No.AFBIP1806698 UHID-AFB000042557) and Ncct head (UHID No.AFB000042557, bill no. AFBCR 180004963) dated 15/03/2018 shows right side frontal, roof of orbit and ethmoid labyrinth fracture with right basal frontal lobe contusion, pneumocephalus and minimal subdural bleed in midline fissure.

After considering above report opinion of board is Injury is dangerous to life. ”

In view of above, both the contentions made on behalf of the petitioner are liable to be rejected as the petitioner was very much present at the time of occurrence and caused injury to Yogesh Dagar, which has been declared as dangerous to life. The case is at the stage of investigation and custodial interrogation of the petitioner is very much necessary for recovery of the alleged weapon, which was used while committing the offence as well as to ascertain the involvement of other co-accused. Even otherwise,

such types of incidents are increasing day-by-day in the Educational Institutions and which tend to spoil the Academic atmosphere and create a fear in the minds of other students also and that should be curbed with iron hand.

Hence, no case for grant of anticipatory bail is made out and the same is liable to be rejected.

Accordingly, the present petition is dismissed. The above observations may not be construed as an expression of opinion on the merits of the case.

June 01, 2018

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>