

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

Decided on: 02.08.2018

1. CRM-M No.27305 of 2018

Nikhil @ Vicky

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.25608 of 2018

Mukesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Abhishek Yadav, Advocate
for the petitioner (in CRM-M No.27305 of 2018)

Mr. Sukesh K. Jindal, Advocate
for the petitioner (in CRM-M No.25608 of 2018)

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in these petitions is for grant of anticipatory bail to the petitioners namely Nikhil @ Vicky and Mukesh, under Section 438 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.101 dated 30.04.2018, for offence punishable under Sections 323, 307, 325, 341, 506 read with Section 34 of the Indian Penal Code (in short 'IPC'), registered at Police Station Bawal, District Rewari.

Counsel appearing for the petitioner – Mukesh has submitted that as per the allegation in the FIR, he is attributed a blow

on the nose of the injured – Hoshiar Singh with an iron pipe whereas counsel appearing for petitioner – Nikhil @ Vicky has submitted that the petitioner is attributed a rod blow on the head of the injured. Counsel for the petitioner – Mukesh has further submitted that the complainant was discharged after 02 days and the petitioner – Mukesh was granted anticipatory bail by the Additional Sessions Judge, which was, however, later on dismissed. It is further submitted that the incident has occurred at the spur of the moment and there is no previous enmity attributed towards the petitioners.

Counsel for the State, on instructions from ASI Partap Singh, assisted by counsel for the complainant has, however, opposed the prayer for bail on the ground that the motive has been attributed in the FIR as it is stated that the accused persons using their muscle power wanted to get their vehicle loaded prior to the complainant. It is further submitted that the complainant has suffered 04 injuries and injury No.1, which is a lacerated wound of size 8 x 1.6 cm on the left frontal side of the skull was later on, declared as dangerous to life by the Medical Officer, Community Health Centre, Bawal, after reading the CECT of the head of the complainant.

Counsel for the complainant has also submitted that injury No.4, which is an abrasion of the size of 1.4 x 1.2 cm on the right side of the nose, is attributed to the petitioner – Mukesh and both the accused persons with common intention have caused injuries to the complainant and their case is on a different footing as of Naresh Kumar, who has been granted the concession of interim anticipatory bail vide

order dated 11.06.2018 passed in CRM-M No.25526 of 2018, noticing the fact that the petitioner therein Naresh Kumar and others had arrived at the place of occurrence subsequently when the present petitioners have already caused injuries to the complainant.

Considering the fact that both the petitioners with common intention have caused injuries to the complainant and injury No.1, which is attributed to petitioner – Nikhil @ Vicky was later on declared dangerous to life, I find no ground to grant anticipatory bail to both the petitioners namely Nikhil @ Vicky and Mukesh.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

02.08.2018

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