

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

CRM-M-48290-2018 (O&M)

Date of Decision:-29.11.2018

Siddhartha Chahar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurinder Pal Singh, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana with
Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Rohit Kaushik, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.0464 dated 2.10.2018 under Sections 147, 149, 323 and 506 of Indian Penal Code (Section 325 IPC was added later on) at Police Station Sector-14, Gurugram, Haryana.

The FIR in question was registered at the instance of Saransh Sharma, wherein it has been alleged that on the day of occurrence 5-6 boys sent by Prasham, who were having weapons in the shape of knife and rod, attacked the complainant resulting in a cut on his elbow. It is alleged that Siddhartha Chahar picked up a bottle and hit on his head as a result of which blood started oozing out of his head. The other boys accompanying him are also alleged to have given 'kick' and 'fist' blows. It is further stated in the

FIR that another boy, who was carrying a bottle, also tried to hit the complainant but the said bottle entered in his own back.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even if the allegations as levelled in the FIR coupled with medical reports are taken to be correct still at best it would only be an offence under Sections 325 and 323 Indian Penal Code, 1860 which would be attracted.

On the other hand, the learned State counsel assisted by the learned counsel for the complainant has submitted that it is a case where the ribs of the complainant were also found to be fractured as per opinion of the doctor furnished on 19.10.2018, which is based on the medical record furnished by the investigating officer, which had been collected from Safdarjung Hospital, New Delhi.

Having considered the rival submissions addressed before this Court, I find that it is a case where the occurrence had taken place on 1.10.2018 and wherein immediately after the occurrence, the complainant had been medically examined and X-Ray examination had been conducted. However, the X-Ray examination did not reveal any fracture. Subsequently the complainant is stated to have undergone CT-Scan examination on 13.10.2018 and on the basis of which it was found that he had sustained fractures in his ribs.

During the course of arguments, the learned counsel for the complainant vehemently argued that it is a case which would attract an offence under Section 326 of Indian Penal Code, 1860 since the injuries sustained by the complainant had to be stitched and he underwent severe pain for a period much longer than 20 days. Having regard to the totality of facts

and circumstances and without expressing any opinion on the merits of the case and also that the injury attributed to the petitioner i.e. a lacerated cut on the head of the complainant has not been opined to be a 'grievous injury', in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

The present petition stands accepted accordingly.

29.11.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No