

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-8461 of 2018 (O&M)

Date of decision: May 21, 2018

Himmat Singh and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Nonish Kumar, Advocate for the petitioners.

Mr. Chetan Sharma, AAG, Haryana.

Mr. Vijay Partap Singh, Advocate.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioners under Sections 148, 149, 323, 324 & 506 IPC and Section 307 IPC (added later on) at Police Station Nissing, District Karnal, vide FIR No.288 dated 10.09.2017.

It has been urged before the court that injuries attracting offence under Section 307 IPC is not attributed to the petitioners. The main accused namely, Gurlal, who caused injuries on the neck and abdomen of the injured, has been granted bail by the court below.

Prayer has been opposed by the State counsel. According to him, serious injuries were caused in the incident. Thus, petitioners are not entitled to concession of bail.

It appears, an incident occurred on 9.9.2017, in which three persons namely, Jai Singh, Deep Chand and Vikram were assaulted. Gurlal is alleged to have given injuries with knife to Vikram. FIR was lodged.

During investigation, statements of Shubham, Deep Chand and other persons were recorded. An opinion was obtained from the doctor regarding nature of injuries caused to Vikram. It was stated that same were grievous in nature. Vikram was later referred to GMCH, Sector 32, Chandigarh for further treatment. The doctors in said hospital opined that injuries were dangerous to life. Accordingly, Section 307 IPC was added in the FIR. Stand of the investigating agency is that petitioner actively participated in the crime. Recovery of weapons are yet to be effected. In view of same, I am of the considered view that petitioners are not entitled to concession of pre-arrest bail. Petition is, thus, without any merit and is hereby dismissed.

During the pendency of this petition, comments of the Presiding Officer were sought as to the circumstances, in which bail was granted to accused Gurlal on the basis of compromise. Comments have been received. Same will be dealt with separately on the administrative side.

(RAJAN GUPTA)
JUDGE

May 21, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No