

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

**CRM-M No.20697 of 2018**

Date of Decision: 07.02.2019

Mulakh Raj and others

....Petitioners

Versus

State of Punjab

....Respondent

**BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present:- Mr. Sarju Puri, Advocate  
for the petitioners.

Ms. Samina Dhir, D.A.G., Punjab.

Mr. Jasraj Singh, Advocate  
for the complainant.

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**DAYA CHAUDHARY, J. (ORAL)**

Initially nine petitioners have approached this Court by way of filing the present petition for grant of anticipatory bail to them in case FIR No.63 dated 25.03.2018 registered under Sections 323, 452, 148, 149 IPC (Section 326 IPC added subsequently) at Police Station Garshankar, District Hoshiarpur. While issuing notice of motion on 16.05.2018, after hearing the arguments of learned counsel for the petitioners and by considering the role of petitioners No.2 and 3 i.e Shri Ram and Sandeep Kumar, respectively, the anticipatory bail qua them was dismissed. However, by considering the role of other petitioners as simple injuries were attributed to them or only the *lalkara* has been raised, they were directed to be released on interim bail and were also directed to join investigation. The case came up for hearing on 23.10.2018. It was mentioned in the said order that petitioners No. 1, 4 to 9 have joined the investigation and it was affirmed by learned State counsel

also but learned counsel for the complainant submitted that the injury attributed to petitioner No.9 i.e Sonu alias Harmesh Lal is a fracture on right cheek bone, as mentioned in the medical report by the PGIMER. Accordingly, the interim order dated 16.05.2018 passed in favour of petitioners No.1, 4 to 8 was made absolute and the case qua petitioner No.9 i.e Sonu alias Harmesh Lal was adjourned to 07.12.2018. However, on 07.12.2018, learned State counsel has handed over the photocopy of the medical report issued by PGIMER to learned counsel for the petitioners who sought time to verify the same. Accordingly, the case was adjourned for today i.e 07.02.2019.

The present case for anticipatory bail now survives qua petitioner No.9 i.e Sonu alias Harmesh Lal.

Learned counsel for petitioner No.9 submits that it is a case of version and cross version. The complainant party had trespassed into the house of petitioner Pirthi Chand on the date of occurrence and caused multiple injuries on his person. Initially, the FIR was registered under Sections 323, 452, 148, 149 IPC but the offence under Section 326 IPC was added later on. Learned counsel also submits that two injuries were suffered by the complainant and total ten persons have been implicated in the case. Petitioner no.1-Mulakh Raj has been stated to be empty handed and injuries attributed to remaining accused are not even reflected in the Medico Legal Report of the complainant.

Learned State counsel has opposed the submissions made by learned counsel for the petitioners qua petitioner No.9-Sonu @ Harmesh Lal on the ground that it was a case of injury which was caused on the face of the complainant and fracture was there. Not only his right eye has been

damaged but he was operated in PGIMER.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioners on the ground that injury attributed to petitioner No.9-Sonu @ Harmesh Lal is a fracture and because of that the offence under Section 326 IPC has been added.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

The photocopy of medical report dated 30.03.2018 shows that there is injury on the right cheek which has been operated upon. Complainant-injured is also present in the Court. However, no injury appears and only the swelling appears to be there. The face of the complainant appears to be disfigured and his right eye has also been damaged.

By considering the medical report of the complainant-injured and also the injury on his right cheek; damage of eye and role of petitioner No.9, due to which, the offence under Section 326 IPC has been added, petitioner No.9 does not deserve the concession of anticipatory bail.

Accordingly, the present petition qua petitioner No.9, namely, Sonu @ Harmesh Lal, being devoid of any merit, is hereby dismissed.

**(DAYA CHAUDHARY)**  
**JUDGE**

07.02.2019  
**gurpreet**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No