

In the High Court for the States of Punjab and Haryana at Chandigarh

Date of Decision: August 27, 2019

1) CRM-M-34074-2019

Rohit @ Maunti

... Petitioner

Versus

State of Haryana

... Respondent

2) CRM-M-34133-2019

Vikash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Parveen Kaushik, Advocate,
for the petitioner(s).

Mr. Neeraj Poswal, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

Notice of motion having been issued in both the aforesaid petitions on 22.08.2019, learned State counsel has produced in Court today a photocopy of the MLR in respect to the injuries sustained by the complainant, as also the “Short Stay File” shown to be issued by the Pt. B.D. Sharma Post Graduate Institute of Medical Sciences, Rohtak, wherein it is shown that the complainant sustained “Perforation peritonitis (enteric perforation)”.

Learned counsel for the petitioners has relied upon judgments of co-ordinate benches of this Court in the following cases :-

1. Upender Versus State of Haryana, 2014(5) R.C.R. (Criminal)
532;

2. Amrik Singh and another vs. State of Haryana, 2018(1) Law Herald 308.

He submits that the petitioners already having been admitted to bail earlier, prior to the addition of an offence punishable under Section 307 of the IPC, and they never having misused the concession of bail, simply because the said offence was added at a subsequent stage, especially in the aforesaid background of the complainant having gone to the hospital only 7 days later, and further no recovery to be effected from the petitioners, they deserve to be granted the concession of bail.

In my opinion, with the MLR (shown to be dated 30.05.2019), stating therein that the pain in the abdomen has been continuing for 7 days, looking at the nature of the injury, i.e. a perforation having taken place in the internal organ of the complainant, and there being a history of physical assault given as the reason for the same, I see no ground to entertain these petitions.

Consequently, both the petitions are dismissed.

However, nothing stated hereinabove would be taken to be an observation by this Court on the merits of the case, for or against the petitioners, but only in the context of these petitions seeking anticipatory bail.

August 27, 2019
vkd

(Amol Rattan Singh)
Judge

Whether speaking / reasoned : Yes

Whether reportable : No