

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41994-2019

Date of Decision: 13.11.2019

Rohit

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Yogesh Goel, Advocate, for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

Mr. Vikas Gulia, Advocate, for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that simply because an offence punishable under Section 307 of the IPC has been added later, the petitioner cannot be denied the concession of anticipatory bail, he having been admitted to bail in respect of offences punishable under Sections 323/148/149/506 of the IPC.

He relies upon a judgment of a co-ordinate Bench of this Court in **Rohit Sangwan @ Rocky and another** vs. **State of Haryana** (CRM-M-1151-2016), decided on 11.04.2016 in that context.

Having considered the aforesaid, looking at the fact, as already recorded in the previous order, that the injured had sustained injuries in his spleen, hilum, retro-peritoneal haematoma, with there also being renal contusion etc., which were subsequently declared dangerous to life and the allegation against the petitioner and his co-accused Rupesh being that it was they who had beaten the complainant with wooden '*Bittas*', (though others are also stated to have beaten

him, who were not identified by the complainant), I do not consider this to be an appropriate case where the petitioner can be admitted to anticipatory bail at least, looking at the kind of injuries found to have been received by the complainant, declared dangerous to life.

Learned counsel for the petitioner still insists that despite what is stated in the FIR (on the statement of the complainant), that it was Rohit, son of Sunder and Rupesh, son of Raj Singh, who were the ones who had hit him with '*Bittas*', it was actually Rohit son of Sahib Singh who had attacked the complainant with '*Bittas*', as per the confessional statement of a co-accused.

However, at least for the purpose of granting or denying anticipatory bail in the aforesaid circumstances, this Court would go by the statement of the complainant rather than a co-accused, with the complainant specifically stating that it was Rohit son of Sunder who had caused injuries to him.

Dismissed.

However, nothing stated hereinafore, naturally, would be taken to be a comment on the actual merits of the case for or against the petitioner, which would be subject matter of further investigation, (and trial when it comes to that stage), with all the observations made only being in the context of a petition filed under Section 438 of the Cr.P.C.

Further, if the petitioner is arrested, any petition filed by him under the provisions of Section 439 of the Cr.P.C., would be decided wholly on its own merits.

November 13, 2019

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No.