

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-62273-2018 (O&M)

Date of Decision:- 16.1.2019

Lehari Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Keshav Partap Singh, Advocate, for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. P.S.Ahluwalia, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No. 3, dated 9.1.2018, registered at Police Station Khanauri, District Sangrur, under Sections 307, 326, 325, 324, 506 read with Section 34 IPC.
2. The FIR was lodged at the instance of Raj Kumar wherein it has been alleged that on the day of occurrence he was attacked by petitioners Lehari Singh and Parveen Singh along with two unknown persons. Petitioner Parveen Singh is alleged to be armed with 'khopra' and is stated to have caused injuries on head as a result of which his right eye-ball came out. Petitioner Lehari Singh and other unknown persons

are alleged to be carrying 'swords' and are stated to have caused injuries on complainant's head.

3. Learned counsel for the petitioner has submitted that the petitioners have falsely been implicated in the present case and that falsity of the case would be evident from the fact that the FIR has been lodged after about 4 months of the occurrence. It has further been submitted that in fact the FIR had been lodged due to political vendetta as petitioner No.1 is a 'Sarpanch' and that petitioner No.1 in his official capacity had got vacated Panchayat land from Rajpal Singh and Satpal Singh who are stated to be close to the complainant and against whom one FIR was also lodged for offences under Section 353 and 186 of IPC at the instance of petitioner Lehari Singh.
4. Learned counsel has further submitted that the very fact that initially when the complainant was taken to Maharaja Agrasen Medical College & Hospital, Agroha (Hisar) and Sapra Multispecialty Hospital, Hisar, it was specifically stated by brother of the complainant that the injuries had been sustained by the injured on account of a vehicular accident and not on account of any quarrel shows that cooked-up version has been brought about in FIR after consultations. Learned counsel in this context has drawn the attention of this Court to the OPD Card (Annexures P-2 and P-3).
5. Opposing the application, the leaned State counsel assisted by counsel for the complainant has submitted that it is a case where a large number of injuries have been caused to the complainant with sharp edged weapon resulting in loss of an eye as well as fracture on his skull

and it was on account of serious condition of the injured, that he had been referred to Super Specialty Hospital and that the doctors in private hospital where the injured was taken were somehow reluctant to provide requisite medical treatment being a police case due to which the complainant's brother was left with no other option but to state that the injuries have not been received due to any quarrel or fight. Learned State counsel in this context has referred to the opinion of civil hospital, Narwana wherein it has been recorded that the patient was having multiple incised wounds of various sizes, bone-deep on his skull.

6. Having considered rival submissions it certainly is a case where there is gross delay in lodging the FIR, but a perusal of the FIR which later came to be lodged at the instance of the injured himself does disclose certain reasons for the delay. The relevant extract from the FIR disclosing the reasons of delay reads as follows:

“..... Now my right eye is completely damaged and I am blind from my right eye and due to being attacked by the accused with sharp edged weapons on my head, due to deep injuries in my head I had gone into coma and was on bed rest in my house only, due to which reason I was unable to undertake any legal proceedings against the aforesaid accused and since my family was being continuously threatened by the aforesaid accused and due to aforesaid attack by the accused, my family had not got registered any case out of fear. Even today, I and my family have danger of our lives and property from the aforesaid accused. The aforesaid accused can cause loss of lives or

property to me and my family at any time. Therefore a case may be registered against aforesaid accused while undertaking proceedings against them and I may be given justice.....”

7. Learned State counsel has also shown a photograph of the skull of the injured and a perusal of the same clearly shows that as many as 7 parallel long incised wounds have been inflicted which virtually shows that an attempt was made to slice his skull. Thus, it is glaringly apparent that it is not a case of injuries sustained in vehicular accident as contended by counsel for the petitioner while referring to Annexures P-2 and P-3 but is a case of injuries having been inflicted with sharp edged weapons. Bearing the aforesaid factual position in mind this Court is of the opinion that the delay in lodging the FIR can be said to be well explained. The serious nature of offences and the number and seat of injuries does not warrant grant of anticipatory bail. The petition, as such, is dismissed.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

January 16, 2019
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No