

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

Through Video Conferencing

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CRM-M-15563-2020(O&M)

Date of Decision : August 20, 2020

SHRIKANT

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Ashit Malik, Advocate for the petitioner.
Ms. Tanushree Gupta, DAG, Punjab.

NIRMALJIT KAUR, J. (Oral)

CRM-19609-2020

Learned counsel for the petitioner has placed on record certificates Annexures P-4 and P-5 issued by Amar Hospital, Patiala are taken on record.

CRM disposed of.

Main case

The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.90 dated 14.4.2020 under Sections 148, 149, 323, 325, 307 and 506 IPC, registered at Police Station, Kalayat, District Kaithal.

As per the allegations, the present petitioner inflicted a *gandasi* blow on the head of Vijender.

Learned counsel for the petitioner while praying for bail submitted that it is a cross case. The injury attributed to the petitioner falls under Section 325 IPC as it is a blunt injury whereas the weapon stated to have been used is *gandasi* and, therefore, the said injury does not support the ocular evidence.

The case being under Section 307 IPC as also taking note of the role attributed to the petitioner, this Court may not have in normal circumstances granted anticipatory bail but for the following facts:-

Admittedly a cross case has been registered. The opposite side is stated to be armed with fire arms. The petitioner suffered fire arms injury resulting in his being admitted in the hospital wherein he was operated and was discharged with intestines of the petitioner tied outside the body and stoma bag also connected with the intestines for removal of faeces etc.

On the last date of hearing, the medical status of the petitioner as on date was summoned. There does not appear to be any change in the medical status. Infact, he had to be once again admitted in the hospital in Emergency on 14.7.2020. S.A. Laprotomy was done once again and after granting him supportive treatment, he was discharged again. Thus, he is in and out of the hospital. Moreover, it is yet to be ascertained as to which was the aggressor party.

Taking into account the facts and circumstances, the present petition is disposed of with a direction to the petitioner to join the investigation as and when called upon to do so and on his doing so, he be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, he shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

August 20, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No