

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103)

CRM-M-15669 of 2020

Date of Decision: 18.06.2020

Gurmeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Krishan Singh, Advocate, for the petitioner.
Mr. Pradeep Prakash Chahar, DAG, Haryana.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 438 of the Cr.P.C., the petitioner seeks the concession of 'anticipatory bail', upon FIR no.71 dated 03.05.2020 having been registered at Police Station Bilaspur, District Yamuna Nagar, against him, alleging therein the commission of offences punishable under Sections 148, 149, 308, 323, 325, 332 and 353 of the IPC.

Learned counsel for the petitioner submits that though the allegation against the petitioner is of having attacked the complainant with a *gandasi*, all injuries found present on the person of the complainant were blunt in nature and therefore the entire story has been cooked up only to implicate the petitioner and his family members, with other co-accused of the petitioners already having been granted interim bail by the learned Additional Sessions Judge, and by this Court.

He further submits that in any case, with the opinion of the doctor being that no injury was dangerous to life, as such the offence under Section 308 of the IPC is not made out. Further, that offence was added at the initial stage in the FIR, without even seeking the opinion of the doctor.

Notice of motion, with Mr. Pradeep Prakash Chahar, learned DAG, Haryana, accepting notice at the asking of the court, he already having received an advance copy thereof. He submits that he has obtained the MLR from the investigating officer and as per the MLR, no doubt all injuries found seem to be caused by blunt weapon, however, the CT scan conducted on the head of the complainant, shows two fractures in the skull.

He further submits that simply because the injuries are seemingly not caused by a sharp weapon, in the aforesaid circumstances, the petitioner should not be admitted to anticipatory bail, with those injuries attributed to him.

In rebuttal, learned counsel for the petitioner submits that at best, even if that is accepted, though he does not have a copy of the MLR, an offence punishable under Section 325 of the IPC is made out, which is a bailable offence.

Having considered the contentions of learned counsel for the parties, though learned counsel for the petitioner may be correct to the extent that there is no injury caused by a sharp-edged weapon (with no opinion thereto given by this court), the fact remains that two fractures were caused in the skull of the complainant and consequently, even if eventually only an

offence punishable under Section 325 of the IPC is made out (if so), there is a difference between bail being granted after arrest and anticipatory bail apprehending arrest being granted, the parameters in both the situations being wholly different; and therefore, without making any comment on the merits of the case but since the petitioner is alleged to have caused injuries on the head of the complainant, at this stage I see no reason to admit him to anticipatory bail and consequently, finding no merit in the petition, it is dismissed.

Having said, it is made absolutely clear that this court has not made any observation on the merits of the case, which would obviously be subject matter of the evidence presented and to be considered by the trial court (if it comes to that stage), with the observations of this court being only in the context of this petition by which petitioner seeks the concession of anticipatory bail.

18.06.2020

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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes