

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28314-2020 (O&M)
Date of Decision: 21.09.2020

AASHISH @ ASHISH

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhishek Yadav, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of anticipatory bail in case FIR No.270 dated 12.4.2020, under Sections 324, 506 of IPC registered at Police Station Model Town, District Rewari.

Briefly, the FIR has been registered on the basis of the statement of Anil Yadav alleging that on 6.4.2020 at about 11 p.m. he got a call from his sister Pooja, who informed that Aashish-petitioner was quarreling with her. The complainant/injured reached the house of his sister. The petitioner opened the gate, abused him and inflicted knife blow on the right side of his stomach. Pooja and Abhinav, the younger brother of the petitioner took the injured to the hospital.

It has been contended by learned counsel for the petitioner that a compromise has been effected between the parties and a petition for quashing has already been instituted in this Court.

On the contrary, learned State counsel has argued that initially the FIR was registered under Sections 324 and 506 IPC and subsequently, the offence under Section 307 IPC has also been added. The injured remained unfit to make a statement for a period of four days and merely because a compromise has been effected, it cannot a ground to extend the concession of bail particularly because the Court has only sought status report with regard to the injuries suffered by the complainant in the proceedings for quashing the FIR.

The petitioner is brother-in-law of the injured who had inflicted knife blow in the abdomen of the injured. The petitioner remained unfit to make a statement for a period of four days. Furthermore, the weapon used and the seat of injury speaks volume about the gravity of the allegations against the petitioner. Merely because the compromise has been effected, it cannot be termed to be a ground to extend the concession of bail to the petitioner particularly because only status report with regard to the injuries suffered by the injured has been sought in the proceedings for quashing of FIR. Moreover, no interim directions have been issued in favour of the petitioner in the said proceedings. Furthermore, the earlier bail application was dismissed as withdrawn only on 17.7.2020.

Keeping in view the entire circumstances of the case, no extraordinary circumstances are made out to grant the anticipatory bail to the petitioner.

For the aforesaid reasons, the present petition is dismissed.

(VIVEK PURI)
JUDGE

21.09.2020
Janki

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No