

Sr.No.202

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

CRM-M-29492 of 2020

Date of decision:01.10.2020

Bhateri

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

CRM-M-29929-2020

Sunil Kumar

... Petitioner(s)

versus

State of Haryana

... Respondent

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Vikram Singh Narwal, Advocate
for the petitioner.

Mr. Naveen Kr.Sheroan, DAG, Haryana.

Jasgurpreet Singh Puri, J.(Oral)

Present two petitions bearing CRM-M-29492 of 2020 and
CRM-M-29929 of 2020 are being taken together because they have been
filed by two co-accused in the same FIR.

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Vide order dated 28.09.2020 of this Court CRM-M-29929 of 2020 was ordered to be heard alongwith CRM-M-29492 of 2020.

These petitions have been filed for grant of anticipatory bail under Section 438 Cr.P.C in FIR No. 74, dated 14.06.2019 registered under Sections 148, 149, 188, 323, 325, 506(307 added later on) IPC at Police Station Jatusana, District Rewari.

As per the allegations which have been contained in the FIR the complainant Ashok Kumar filed the complaint before the police against Rajender s/o Charan Singh, Bhateri w/o Rajender, Sunil s/o Rajender, Rajbala w/o Sunil, Sarita w/o Bijender, Laxmi w/o Sandeep residents of village Babdoli, Tehsil Kosli, District Rewari by alleging that the accused had dispute with regard to the Tubewell and on 10.06.2019 at about 10:45 pm when the complainant went to the tubewell for irrigating the crops, the accused came on the spot and started giving him beatings. It is stated in the FIR that Sunil hit him on the left hand and on head with wooden stick, Rajender hit him with a Jelly on the chest and after his voice heard by mother namely, Bimla Devi and father Bhim Singh they came to rescue him and then all the accused started beating them. His father Bhim Singh was assaulted by Sarita on left hand with a stick and Laxmi hit him on head and Rajbala hit the mother with Bakhri on head with intention to kill her and

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when she fell down then Bhateri, Rajbala and Sarita started beating her with fists and legs. All the accused thereatened them that though today we are leaving you but if you try to enter in the tubewell then you will be killed. Thereafter, she was taken to the Trama Center, Rewari where they were medically examined and since there was serious injury on the head of his mother she was referred to the PGI,Rohtak.

Learned counsel for the petitioner has argued that the role attributed to the petiitoner Bhateri was only when Bimla fell down then she gave beatings to her alongwith other co-accused and so far as the role of Sunil is concerned, the role attributed to him is only lathi blow. He has further submitted that infact it was a case of cross-version and vide Annexure P-2 even on the complaint of petitioner, another FIR was registered wherein the petitioners had alleged that they had also sustained injuries at the hands of the other party. He has further submitted that the present FIR is of 14.06.2019 whereas the FIR registered by the other party was 11.06.2019 and therefore, there was delay of three days in filing the FIR. He has therefore, prayed for grant of anticipatory bail in the present cases.

Notice of motion was issued to the State.

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Learned State counsel has submitted that although it was a case of cross-version but keeping in view the injuries which have been sustained by the accused in the present case, the petitioners do not deserve the grant of anticipatory bail. He has stated that the complainant Ashok Kumar suffered injuries at his head and left hand, Bhim Singh father of Ashok Kumar suffered serious injuries and Bimla, mother of the complainant suffered injuries which were declared to be dangerous to life and was referred to PGI, Rohtak for treatment. He has further submitted that mere fact that it was a case of cross-version would not vest any right to the petitioner for the grant of anticipatory bail and therefore, custodial investigation in the present case is required.

Learned State counsel has also stated that so far as the other FIR is concerned, nobody has been granted anticipatory bail as yet by any Court. However, one of the accused in that case was granted regular bail by the learned trial court. He has stated that no other co-accused has been granted anticipatory bail in the present case.

I have heard the learned counsel for the parties.

Factual position in the present case with regard to the injuries suffered by the parties is not in dispute. Although it seems to be a case of cross-version but the fact remains that the complainant Ashok Kumar

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suffered injuries on the head whereas his father suffered serious injuries and mother suffered injuries which were declared to be dangerous to life and was referred to PGI, Rohtak and thereafter, Section 307 was added on in the present case. The argument raised by learned counsel for the petitioner is that Bhateri was not attributed any role except that when Bimla fell down then she had beaten up Bimla alongwith other co-accused. This argument does not carry any weight because in case petitioner was present on the spot and it was a collective fight then it would not be of much consequence as to who gave less beating and who gave more beating. The fact remains that the complainant's parents received injuries out of which the father of the petitioner received serious injuries and the mother of the petitioner received injuries which were dangerous to life.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petitions are dismissed as this Court does not deem it fit and appropriate to interfere in the present cases.

However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

1st October, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No