

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

203

CRM-M-31865 of 2020

Date of decision: 16.11.2020

Megh Raj

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner
Mr. B.S. Virk, DAG, Haryana
Mr. Aayush Gupta, Advocate,
for the complainant
...

AMOL RATTAN SINGH, J. (Oral)

All 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.

On 9.10.2020, the following order had been passed:-

“All 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, the petitioner seeks the concession of anticipatory bail, upon FIR no.98, dated 15.5.2020, having been registered at Police Station Shahzadpur, District Ambala, alleging therein the commission of offences punishable under Sections 148/149/188/323/325/506 of the IPC (with Sections 148/149 of the IPC having been deleted and Sections

324/307/34 of the IPC having been added later on).

Learned counsel for the petitioner submits that, firstly of course, the FIR in question was registered at the instance of the petitioners' nephew in which an allegation of commitment of murder is also made; and the cross-version registered a few days later is only on account of injuries inflicted in self defence by the complainant in the FIR and in any case, as regards the attribution to the petitioner, i.e. Megh Raj, though he is shown to have inflicted a gandasi blow on the head of Pirthi Singh and another gandasi blow on the legs of the complainant (in the cross-version), however, he submits that on the head of Pirthi Singh, there is only a lacerated wound as per the MLR, and there is no injury on the legs of the complainant.

Notice of motion.

Mr. Deepak Bhardwaj, learned DAG, Haryana, accepts notice at the asking of the court.

He submits that he has not received any instructions so far in the matter.

In view of what has been contended hereinabove, without making any comment on the merits of the case, the petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 9.11.2020.”

Firstly, of course, it is to be noticed that there is a typographical error in the 3rd paragraph of the said order, with it recorded that 'an allegation of commitment of murder is also made'.

Obviously, the offence alleged to have been committed is one punishable under Section 307 of the IPC (alongwith offences punishable under Sections 324 etc.), and therefore the said part of the order should read to say that 'an allegation of an attempt to commit murder is also made'.

Consequently, the said order as uploaded on the website of this court is ordered to be deleted with the corrected order to be duly got signed from this court and uploaded thereafter.

Coming back to the merits of the case, firstly it is to be noticed that on 9.11.2020, though the petitioner was stated to have joined investigation, a request for an adjournment had been made by learned counsel for the petitioner.

Today, Mr.Virk, learned DAG, Haryana, reiterates that though the petitioner has joined investigation, however what is described to be a lacerated wound in the MLR, is actually 4 injuries on the head/facial region

of Pirthi Singh, with 4 injuries also present in the same region of the complainant in the FIR in question.

Learned counsel for the complainant has in fact forwarded to the Reader of this court (who in turn has forwarded to me) photographs showing extensive stitches on the forehead and head of a person, who is stated to be the said Pirthi Singh.

Looking at the nature of the injuries, I do not see how the petitioner can continue to remain on bail, though learned counsel for the petitioner submits that a large number of persons have been found innocent in the FIR with there also being 'a cross-FIR' registered at the instance of the petitioners' nephew.

Upon query to him as to the injuries sustained by the petitioner and his companions, he submits that the finger of the petitioners' brother was amputated, with a large contusion having been received by the petitioner on the left side of his chest and there is also a pain in his shoulder, with the petitioners' nephew also having received an injury in the head region by way of a lacerated wound, with fresh bleeding present there.

Having considered the matter and also having looked at the photographs sent by learned counsel for the complainant (who will duly place them on record even though the present petition is being disposed of), I see no reason to continue with this petition.

Consequently, this petition is dismissed, with the interim order dated 9.10.2020 hereby vacated.

However, naturally, all that has been observed either in this order or in the previous orders will only be taken in the context of the

petition seeking anticipatory bail, with otherwise the case to proceed as per the evidence gathered/led.

16.11.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No