IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

(Heard through VC)

CRM-M-39258 of 2020 (O&M)
Date of Decision: December 11, 2020

Dalip Singh @ Nitu Rana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rahul Singla, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

Mr. G.C. Shahpuri, Advocate
for the complainant.

****

JAISHREE THAKUR, J. (Oral)

1. The petitioner herein prays for grant of anticipatory bail in FIR No. 359 dated 06.10.2020, under Sections 323, 324, 34, 452, 506 IPC (later on Section of 308 IPC added and section 452 of IPC deleted) registered at Police Station Yamuna Nagar, District Yamuna Nagar.

2. In brief, the facts are that the complainant Mohammad Akram reported that on 06.10.2020 at 7 AM he visited the shop of his brother namely Akram in order to provide him breakfast. He found his brother Akram and his partner busy in their business transactions and his brother was counting money. The brother of his partner, namely Anil

VIJAY SAINI
2020.12.15 16:18
I attest to the authenticity and
accuracy of this document

Narwal went to the washroom and in the meanwhile, Dalip Singh alias Nitu Rana came along with his nephew Suraj and one Arshad in a Scorpio vehicle holding gandasi, sword, chainsaw in their hands and set upon his brother. The complainant suffered injuries at the hands of Arshad, while Dalip Singh alias Nitu Rana and his nephew inflicted Gandasi blows upon his brother Akram. They were rescued by the partner Anil Narwana and others, but while leaving the spot Dalip Rana extended threat to his brother that he would not be spared. With the assistance of others his brother was taken to Civil Hospital Yamuna Nagar from where they were referred to PGI Chandigarh. It is further reported that an amount of ₹ 2,90,000/- which was lying in the shop, was found missing. The MLR are was conducted which would reflect that both the complainant and his brother sustained 4 injuries each, consequently an FIR was registered.

3. Counsel for the petitioner would contend that the petitioner has been falsely implicated under the said FIR and the he has nothing to do with the alleged crime. In fact, a cross case has already been registered against the complainant and his brother under Sections 323, 325, 506, 34 of IPC. In fact, the complainant’s brother along with his partner forcibly seize the vehicle loaded with wood which belong to the petitioner's firm and in coming to know of the said illegal act, the petitioner went with his partner and nephew to the shop of the complainant and they were in fact assaulted and injured. A DDR in this regard was registered on 06.10.2020.

4. Counsel for the petitioner as well as complainant opposes the

VIJAY SAINI
2020.12.15 16:18
I attest to the authenticity and
accuracy of this document

grant of anticipatory bail to the petitioner, while contending that the petitioner in a well planned manner assaulted the complainant and his brothers and caused grievous injuries to them.

5. I have heard learned counsel for the parties and have also gone through the pleadings of the case.

6. A perusal of the FIR would reflect that the petitioner has been attributed with a specific role of hitting the brother of the complainant with Gandasi. The MLR would further reflect that both the complainant and his brother sustained injuries while the injured Akram also had an injury which as per the CT scan is a '*commuted fracture noted at Bilateral parietal bones just adjaect to sagittal suture'* which has been held to be grevious in nature. Whereas all injuries reflected upon the petitioner are of a blunt weapon. Prima facie, there are serious allegations that have been levelled against the petitioner herein. Moreover, weapons used in the commission of offence are yet to be recovered. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

7. In view of the above, the instant petition is hereby dismissed.

(JAISHREE THAKUR)
JUDGE

December 11, 2020
vijay saini

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

VIJAY SAINI
2020.12.15 16:18
I attest to the authenticity and
accuracy of this document