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

**CRM-M-1031-2021
Date of Decision: 11.02.2021**

Sandeep Petitioner
Versus

State of Haryana Respondent

CRM-M-42033-2020

Sunita Petitioner
Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Jitender Nara, Advocate,
for the petitioner (in both the cases).

Mr. Anmol Malik, DAG, Haryana
assisted by S.I. Ranbir Singh.

SUDIP AHLUWALIA, J. (ORAL)

[1]. These are two petitions for anticipatory bail filed on behalf of the Petitioners under Section 438 Cr.P.C., in case FIR No.310 dated 18.10.2020, under Sections 148, 149, 323, 308 & 506 of the IPC, registered at Police Station Salhawass, District Jhajjar.

[2]. The allegations against the Petitioners in the FIR were that the complainant and his son were given beatings, while they were working in their fields, by the present two petitioners and some other persons, namely, Sanjay, Ruby, Naveen and one brother-in-law of Sandeep and both the brother-in-laws of Sanjay, who were armed with *Dandas*, while the Petitioner-Sunita was allegedly armed with an Axe.

[3]. On 23.12.2020, this Court had granted interim bail to the Petitioner-Sunita after having noted that perusal of the MLR of both the

victims, namely, Jagpal and his son Dinesh, reveal that the several injuries sustained by them were all caused by use of blunt weapons. Thereafter, this Court deferred its final orders to ascertain the actual nature of injuries suffered by the victims, which were not clear till that date.

[4]. Subsequently, the communication between the Investigating Officer and the concerned Medical Officer of the Government Hospital, Jhajjar pertaining to those injuries were sent up through e-mail yesterday. On perusal of the same, it was seen that the victim Jagpal was found to have suffered fractures on left ulna and left fibula whereas the victim Dinesh had also suffered a fracture injury on the left ulna, all of which injuries were designated as grievous.

[5]. Now perusal of the FIR, in question, (Annexure P-1) goes to show that the complainant/victim Jagpal had stated specifically therein:-

“.... Today on 17.10.2020 at about 8:00 am myself and my son were watering our fields. At that time, suddenly from one side Sanjay S/o Dharampal, Sandeep S/o Dharampal, Ruby W/o Sandeep, Sunita W/o Sanjay, Naveen S/o Sanjay came on bikes and from other side on brother-in-law of Sanjay, both brother-in-law of Sandeep and two other persons came there. Sanjay was having in his hand Jeilly and Danda, Sandeep was having Lathi and Sanjay's wife was having axe and all gave beatings with lathi. Legal action be taken against them. Sir they threaten to kill.”

[6]. Submission of Ld. Counsel for the petitioners is that it cannot be determined from the aforesaid allegations in the FIR as to who specifically caused which of the injuries, and therefore, the Petitioners should be granted anticipatory bail as the actual culpability of people involved from both sides in the occurrence would get revealed only during

the trial.

[7]. This Court is, however, not in agreement with the aforesaid submission. This is so because admittedly grievous injuries have been caused to the victims by blunt weapons. The persons involved in such occurrence who are specifically named in the FIR would, therefore, not appear to be entitled to the extraordinary relief of anticipatory bail. However, a fine distinction at this stage can only be made in favour of the Petitioner-Sunita, since according to the FIR itself she was carrying an Axe, which is a sharp edged weapon, whereas the grievous injuries suffered by the victims were caused by the *Lathi*/blunt weapons such as *Jeilly* and *Danda*, which were held and used by the Petitioner-Sandeep and co-accused non-applicant Sanjay. Besides, the Petitioner-Sunita is a woman.

[8]. For the aforesaid reasons, this Court is of the opinion that Petitioner-Sunita alone is entitled to such extraordinary relief but not Petitioner-Sandeep.

[9]. Consequently, the interim bail granted to the Petitioner-Sunita (in CRM-M-42033-2020 on 23.12.2020) is, hereby, confirmed while the prayer of Petitioner-Sandeep (in CRM-M-1031-2021) for the same relief is declined and the interim order protecting him from arrest passed earlier on 19.01.2021 is now recalled.

[10]. Accordingly, CRM-M-42033-2020 stands disposed off in the above terms while CRM-M-1031-2021 stands dismissed.

11.02.2021

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No