

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

CRM-M-3564-2021

Date of decision: January 25, 2021

Jai Karan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajiv Kataria, Advocate for the petitioner.

Mr. Sumit Jain, Additional Advocate General, Haryana.

Mr. K.S. Virk, Advocate
for the complainant.
(through video conferencing)

ARVIND SINGH SANGWAN J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.09 dated 12.1.2021 under Sections 148, 149, 323, 341, 506 IPC and Section 25 of the Arms Act, registered at Police Station City Safidon, District Jind.

Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Azad Singh, it is stated that he belongs to Saini community. On 11.1.2021, he received a call from Rajender that he has suffered injuries at the hands of his brother Bijender and others and he is coming to Government Hospital, Safidon to get his medical done. The complainant, along with his brother Roshan @ Badal and driver Paramjit went to General Hospital, Safidon in his car. When he reached there, Bijender son of Jai Singh, Ram Niwas and Jai Karan-petitioner, both sons of Prem Singh and 4/5

persons, who were wearing masks, came there and Bijender told the complainant that he will teach him a lesson for becoming a mediator in an earlier dispute. Jai Karan was holding an iron rod in his hand and Ram Niwas was carrying an illegal weapon pistol in his hand. Bijender raised a lalkara to kill Azad Singh and caught hold of him and Jai Karan -petitioner attacked and give a rod blow on his head with an intention to kill him. When the complainant's driver came forward to save him, Bijender took the iron rod from Jai Karan and also gave a blow on the head of driver Paramjit. When the brother of the complainant Roshan @ Badal tried to rescue them, Ram Niwas pointed out an illegal weapon towards him and said he should stay away otherwise he will be killed. When the complainant and the others raised voice, many people gathered there and the accused persons ran away from the spot.

Counsel for the petitioner submits that, in fact, complainant has some relation with a lady Rama Devi, wife of Ramjuwari, who is brother of the petitioner. The complainant has instigated Rama Devi to lodge an FIR under Section 376 IPC against Ram Niwas, who is another brother. Thereafter, FIR No.93 dated 14.3.2020 was registered under Sections 354-A, 354-B, 376, 506 IPC. During investigation, Ram Niwas was found innocent.

Counsel for the petitioner also submits that the purpose of registration of the FIR was to extract money from Ram Niwas. Counsel for the petitioner further submits that later on, there was a property dispute between accused Bijender and his brother Rajinder (on whose asking the complainant reached the hospital) and the mediators resolved the same on 12.9.2020. Since Rajender was unsatisfied, he got FIR No.337 of 2020 registered under Sections 307/34 against Bijender in which he has been granted the concession of anticipatory bail in CRM-M-40459-2020 vide order dated 4.12.2020.

Counsel for the petitioner further submits that since Azad Singh and Rajinder had a common grudge against co-accused Bijender and Ram Niwas, therefore, the present FIR No.09 dated 12.1.2020 was registered against the petitioner and others.

Learned State counsel, assisted by the counsel for the complainant, has opposed the prayer on the ground that the petitioner has no concern with the FIR No.93 registered against Ram Niwas and even he has no concern with the incident in which Bijender has caused injuries to his brother Rajinder in the morning when he went to hospital. He further submits that, in fact, the accused party had a grudge against the complainant as he was a mediator in a dispute between two brothers and, therefore, Bijender and the co-accused (petitioner) wanted to teach him a lesson.

Counsel for the petitioner submits that the incident in the present FIR relates to an occurrence which took place outside the hospital when injuries were caused to complainant, his driver and both the injuries were caused with a rod and one of the injuries attributed to petitioner-Jai Karan to the complainant on his head. Counsel for the petitioner further submits that even an application has been moved before the higher police authorities to add Section 307 IPC.

After hearing counsel for the parties and considering the allegations in the FIR and the motive, I find no ground to grant the anticipatory bail to the petitioner.

Resultantly, the present petition stands dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

January 25, 2021
satish

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