

**Wazir Chand**

... Petitioner

**Versus****State of Haryana**

...Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Divya Arora, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

Ms. Divya Godara, Advocate for complainant.

**AVNEESH JHINGAN, J. (ORAL)**

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed for grant of anticipatory bail in case FIR No.55 dated 23.02.2021 under Sections 323, 324, 34, 506 and 326 (added lateron) of IPC, registered at Police Station Sirsa Sadar, District Sirsa.

The FIR was registered at the instance of Madan Lal. It was alleged that on 21.02.2021 when the complainant along with his brother was coming on the tractor, Vikas Kumar S/o Wazir Chand stopped them on the way. In the meantime Wazir Chand (petitioner), his wife and wife of Vikas Kumar also came there. Wazir Chand was armed with Gandasa, Vikas took out an Axe, Wazir Chand gave a gandasa blow on left side of the head. Vikas gave blow with Axe on the left side of the nose with reverse side of Axe. The accused fled away from the spot threatening of dire consequences. Complainant was got admitted in Government Hospital, Sirsa from where he was referred to Agroha Hospital.

Learned counsel for the petitioner argues that the dispute was with regard to the property. The complainant was agressor as he had encroached the passage.

There is a civil suit pending between the parties and the petitioners have acted in self-defence. He further relies upon the fact that there is another FIR pending between the parties which was registered on 25.02.2021.

Learned State counsel, on instructions opposes the prayer for grant of anticipatory bail. She submits that as per the MLR there is a fracture of the parietal bone. The injury is grievous. She further submits that recovery of weapon used is to be made. The contention is that the complainant and the petitioners are residents of the same locality and there is a reasonable chance of petitioner influencing the witnesses.

Though complainant is not impleaded as a party, Ms. Divya Godara, Advocate appears for him. She opposes the grant of anticipatory bail to the petitioner.

The allegations against the petitioner are serious. The father and son were well-armed. The specific role has been attributed to petitioner of inflicting injury with a gandasi on the left side of the head. The recovery of weapon is to be made. The mere pendency of a civil dispute or grant of an interim order by the Civil Court, does not authorise the petitioner to take law in his own hand.

No ground is made out for grant of anticipatory bail to the petitioner.

Dismissed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(AVNEESH JHINGAN)**  
**JUDGE**

**29.10.2021**  
JITESH

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