

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-12314-2020 (O&M)

Date of Decision:- 17.3.2021

Vicky @ Vikas

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-16109-2020 (O&M)

Shekhar

... Petitioner

Versus

State of Haryana

... Respondent

(III)

CRM-M-12668-2020 (O&M)

Aman and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Savita Rana, Advocate,
for the petitioner in CRM-M Nos.12314 & 16109 of 2020.

Ms. Savita Sisodia, Advocate,
for the petitioner in CRM-M-12668-2020.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by ASI Baljeet Singh.

Mr. Govind Chauhan, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Vicky @ Vikas, Shekhar, Aman, Monty and Rajinder, seek grant of anticipatory bail in a case registered vide FIR No. 90, dated 15.4.2020, Police Station Nissing, District Karnal, under Sections 148, 149, 307, 323, 325 IPC.
2. The FIR in question was lodged at the instance of Bahadur wherein it is alleged that on 6.4.2020 he as well as his son namely Jony and his nephew Partap were attacked by Banty, Deepak, Pankaj, Vikas, Shekhar, Rajinder, Monty and Aman who were armed with 'sticks' and 'swords'.
3. It is further the case of prosecution that on account of the said attack upon the complainant party, Partap sustained two injuries and Jony sustained two injuries out of which one was declared 'dangerous to life' and the other was declared as 'grievous'. Even Bahadur was found to have sustained four injuries.
4. Learned counsel for the petitioner(s) have submitted that in fact it is a case of cross-version wherein as many as 7 persons from the side of

accused were also injured and in respect of which FIR No.82, dated 6.4.2020 was lodged at Nissing, District Karnal.

5. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that although there are two FIRs lodged at the instance of both the parties but in fact both these incidents are entirely different and had taken place at different places. It has been submitted that while the incident pertaining to FIR No.90 had taken place near the house of the complainant Bahadur, the incident pertaining to the other FIR i.e. FIR No.82 had partly taken place in the fields. It has further been submitted that while the incident pertaining to FIR No.82 had taken place at 11 am., the incident pertaining to FIR No.90 is stated to have taken place after about one hour i.e. at about 12 noon.
6. Learned counsel for the complainant has informed that all the 10 accused in FIR No.82 are already on bail.
7. Learned State counsel has informed that pursuant to interim directions issued in the aforesaid three petitions, all the petitioners have since joined investigation and recoveries of 'sticks' have been effected.
8. I have considered rival submissions addressed before this Court.
9. Keeping in view the fact that there is very little difference in the time and place of the occurrence in the two incidents, it would be debatable as to whether both the FIRs are in fact part of the same transaction or as to whether these are absolutely different incidents. Both the parties have sustained large number of injuries. The

petitioners in any case are stated to have joined investigation and are not required for any custodial interrogation. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 14.5.2020 (in CRM-M-12314-2020), 23.6.2020 (in CRM-M-16109-2020) and 21.5.2020 (in CRM-M-12668-2020) are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

10. The pending applications, if any, also stand disposed of with the aforesaid order.

March 17, 2021
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No