

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16840-2021
Date of Decision: 22.04.2021

PRINCE

Versus

....Petitioner

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Sumeet Singh Brar, Advocate for the petitioner
Mr.Ashok Kumar Sehrawat, DAG Haryana

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.427 dated 25.12.2020 registered under Sections 148, 149, 323, 506 IPC at Police Station Sadar Sirsa, District Sirsa.

Briefly stated, the case of the prosecution is that on 24.10.2020, at about 10 am, when the complainant and his brother Ajay Kumar were standing in a street, the petitioner and other co-accused, duly armed, came there; after raising *lalkara* the petitioner gave a *datar* blow on the head of the complainant's brother; when the complainant intervened to rescue his brother, co-accused Imon gave a *datar* blow on his head; the complainant and his brother then fell down; they were then inflicted injuries with sticks by co-accused Ash, Nobh and Daula and on hue and cry raised by the complainant and his brother, people gathered at the spot after which the petitioner and his co-accused fled the scene.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; there is no other criminal case

pending against the petitioner; it is the complainant party which was the aggressor as the petitioner and his co-accused also received several injuries; co-accused Daulat Masih @ Daula has been granted ad interim anticipatory bail by this Court and that the injury attributed to the petitioner is not supported by medical evidence.

In view of the defence raised by the petitioner that it was the complainant party which was the aggressor, his presence at the place of occurrence is not disputed. As per the FIR the petitioner is attributed an injury on Ajay Kumar's head which injury has been declared dangerous to life attracting Section 307 IPC. Further investigations shall reveal as to whether the blunt or sharp side of the *Datar* was used by the petitioner to inflict the injury attributed to him. To unearth such truth and to recover the weapon allegedly used by the petitioner the petitioner's custodial interrogation is necessary.

Ad interim anticipatory bail granted by this Court to Daulat Masih @ Daula is of no help to the petitioner as Daulat Masih @ Daula was not attributed any specific injury.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

22.04.2021

gk

(Deepak Sibal)
Judge

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