

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

Sr.No.204

**CRM-M No.21814 of 2021
Date of Decision: 19.07.2021**

Deepak and another

...Petitioners

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Satinder Kumar Rana, Advocate,
for the petitioners.

Mr. Apoorv Garg, Deputy Advocate General, Haryana
for the respondent.

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MEENAKSHI I. MEHTA, J. (ORAL)

Apprehending their arrest in the criminal case arising out of the FIR bearing No.770 dated 06.12.2020 registered at Police Station City Karnal, District Karnal, under Sections 148, 149, 323, 325, 307, 506 IPC, the petitioners have preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the petitioners, along-with their co-accused, formed an unlawful assembly and being the members thereof, they caused

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injuries to Nathi Ram with *Gandasi*, swords, *Lathi* and iron-rod etc. in prosecution of their common object.

Status-report by way of the affidavit of Deputy Superintendent of Police, Karnal, has already been filed.

I have heard learned counsel for the petitioners as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioners contends that the petitioners and the complainant-party are already having disputes and the litigation is pending between them since long and due to this reason, the petitioners have been falsely implicated in this case. He has also contended that the offence under Section 307 IPC has been added in this case without the requisite opinion of the doctor in this regard and even otherwise, the injury that led to the inclusion of the said offence has been attributed to the father of the petitioners named Rajpal and in these circumstances, the petitioners deserve the relief as prayed for in this petition.

Per contra, learned State counsel argues that the petitioners and their co-accused attacked and caused injuries to the above-named injured with the deadly weapons like *Gandasi*, iron-rod and sword etc. and in view of the gravity of the offence as committed by the petitioners in this case, they do not deserve the relief of anticipatory bail.

As regards the pendency of the disputes and litigation between the petitioners and the complainant party, the same does not suffice at all, at this stage, to show the false implication of the petitioners in this case

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and rather, this fact can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after evaluating the evidence that would be led by the parties on the record during the trial proceedings.

Then, so far as the addition of the offence under Section 307 IPC in this case is concerned, it is worthwhile to mention here that there is a specific opinion of the doctor on the application, as moved by the Police on 22.12.2020 to the M.O., Arsh Hospital, Karnal, to the effect that the chest injury as mentioned in the medico-legal report of injured Nathi Ram had, subsequently, turned out to be dangerous to life as per the reports of the CT scan.

Though the above-said chest injury on the person of the said injured is attributed to the co-accused of the petitioners named Rajpal but the fact remains that the petitioners are alleged to have caused injuries on the head of the said injured with *Gandasi* and iron-rod respectively and as mentioned in the case summary prepared at the above-said hospital, the injured had suffered depressed fracture on the parietal bone.

To add to it, as mentioned in para No.6 in the status-report, the weapons allegedly used by the petitioners for inflicting the injuries on the person of the above-named injured, are yet to be recovered from them. It being so, the possibility of the requirement of the custodial interrogation of both the petitioners for the said purpose cannot be ruled out.

Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed in the present case, this Court is of the considered opinion that the petitioners

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do not deserve the concession of anticipatory bail. Resultantly, the instant petition stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

19.07.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No