

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29099-2021

Date of Decision: 27.07.2021

Raja

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Deepak Manchanda, Additional Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of Code of Criminal Procedure for the grant of concession of anticipatory bail to the petitioner in FIR No.126 dated 29.03.2021, under Sections 148/149/ 323/341/506 of Indian Penal Code, 1980 and Section 25 of Arms Act, 1959 (Sections 325/201 IPC added later on), registered at Police Station Gandhi Nagar, District Yamuna Nagar.

As per the FIR which was lodged on the basis of statement of one Mohit Mehdiratta, aged 20 years, son of Ganga Ram, he is looking after the business of Plywood with his father at Jodia and on 28.03.2021 when he went to the market on his motorcycle for purchasing colours on the eve of holi festival, then at about 10.15 P.M when he was purchasing colour where his friend namely Rajinder @ Gullu was also present. Sawaj Khan and Naveen Gandhi came outside the shop on their motorcycle and started teasing Shubham. Ranjit Mishra was also with them with whom an altercation had taken place earlier. They started staring at

him on account of this altercation and in the meantime, their other friends namely, Raja (petitioner), Sahil Rajput, Bhavnita Nagra and Surya Pandit came there on their respective motorcycles. Savej Khan and his friend were armed with iron rods and bindas and some of them started chasing them, then Naveen Gandhi and Raja (petitioner) having iron rod in their hands gave iron rod blow on his head with an intention to kill him and the rod hit him above the right eyebrow and thereafter he became unconscious. All the persons attacked him with their respective iron rods and bindas and another accused namely Surya was having countrymade pistol in his hand. The gold chain of the injured was snatched from his neck and his wallet containing Aadhar Card, Pan Card and cash of Rs.2600/- was also taken. About 15-20 persons had attacked the complainant.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and although the injury on the eyebrow of the injured-complainant was declared as grievous and Section 325 IPC was added on 28.05.2021 but the said medical opinion was given after a period of two months. He has submitted that the petitioner was not the main accused. The learned counsel has also submitted that all the offences in the present case were bailable except for the provisions under the Arms Act and, therefore, he may be considered for the grant of anticipatory bail.

On the other hand, Mr. Deepak Manchanda, learned Additional Advocate General, Haryana has submitted that it is a case where a gang of 15-20 people had attacked the complainant and grievously injured him. According to the learned State counsel as per the FIR itself the petitioner has caused injury near the head of the injured with iron rod which caused a subsequent injury on the right eyebrow which was thereafter declared as grievous and Section 325 IPC was added. He submitted that recovery of iron rod is still to be made from the petitioner and his custodial interrogation is required. He further submitted that there is another case pending against the petitioner in FIR No.207 dated

16.04.2018, registered under Sections 148/149/323/307/324/332/353/379-B/427 and 436 of Indian Penal Code, 1860 and Section 3 of Prevention of Damage to Public Property Act, 1984 with the Police Station City Yamuna Nagar and the petitioner is a habitual offender. He has therefore, prayed for dismissal of the present anticipatory bail application.

I have heard the learned counsel for the parties.

As per the FIR a direct role is attributable to the petitioner whereby the petitioner had allegedly caused injury on the head of the injured with iron rod blow which caused a subsequent injury on his right eyebrow whereby the complainant became unconscious. Thereafter the said injury on the right eyebrow was declared to be grievous and Section 325 IPC was added. The recovery of iron rod is still to be made. As per the allegations about 15-20 people had collectively attacked the injured. The argument raised by the learned counsel for the petitioner that most of the offences were in bailable in nature except for the offence under Arms Act which would not be sustainable in view of the fact that one of the other co-accused namely Surya was having countrymade pistol in his hand and it was a case of a gang attack and therefore, it would not become a ground for grant of anticipatory bail. Therefore, considering the magnitude and gravity of the case, I do not deem it fit and proper to grant anticipatory bail to the petitioner.

Consequently, the present petition being devoid of merit is hereby dismissed.

27.07.2021

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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