

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(I) CRM-M-31600-2020 (O&M)**

Aabid ...Petitioner

Versus

State of Haryana ...Respondent

(II) CRM-M-30241-2020 (O&M)

Rajak ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision: 21.01.2021**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present: Mr. Munfaid Khan, Advocate,
for the petitioner(s).Mr. Ramesh K. Ambavta, AAG, Haryana,
assisted by HC Yogesh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. This order shall dispose off the aforesaid two petitions filed on behalf of Aabid and Rajak seeking grant of anticipatory bail in respect of a case registered vide FIR No.0061 dated 29.02.2020 at Police Station Punhana, District Nuh, under Sections 148, 149, 323, 452, 506 IPC (Section 326 IPC added later on).
2. The FIR in question was lodged at the instance of Khairunisha, wherein she alleged that on 16.02.2020 at about 8.00 AM, when

her husband Jardar and her son Vakil were preparing mortar for construction of the house wall, Aabid s/o Rujdar, Aabid, Jabid, Sajid, Sahjadi, Munfeeda armed with *danda* (stick) and iron rod entered her house saying that they would teach a lesson to them for plastering the wall and their wall would be demolished. It is alleged that when they i.e. the complainant, her husband and her son, tried to stop them from doing so, then Aabid gave iron rod blow, which hit on the left eye of Jardar as a result of which blood from eye, nose and throat started oozing and his left eye was completely damaged. It is further alleged that Aabid, Jabid, Sajid, Sahjadi and Munfida gave stick blows on hand, chest and legs of complainant's husband.

3. Learned counsel for the petitioner(s) has submitted that they have falsely been implicated in the present case and that in any case it is a case of causing of simple injuries.
4. Opposing the petition, learned State counsel has submitted that in the instant case the injured Jardar lost his eye completely on account of the blow given by Aabid with iron rod and has lost his vision totally and that offence under Section 326 IPC has been added. It has, however, been informed that pursuant to the interim directions, the petitioners have joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and the nature of the allegations especially that the injured has lost his eye on account of the injury caused by Aabid, the petition qua him i.e. CRM-M-31600-2020 is dismissed. However, as far as petitioner

Rajak is concerned, he is attributed a blow with a stick. He, in any case, is stated to have joined the investigation. In these circumstances, the petition qua him i.e. CRM-M-30241-2020 merits acceptance and is hereby accepted and the interim directions issued by this Court vide order dated 29.09.2020 are made absolute subject to the condition that petitioner Rajak 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.

(GURVINDER SINGH GILL)
JUDGE

21.01.2021
Vimal

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