

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

CRM-M-37523-2021 (O&M)
Date of Decision:-10.9.2021

Krishan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Kumar, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

1. This is the second petition filed on behalf of the petitioner seeking grant of anticipatory bail in a case registered vide FIR No.61 dated 11.2.2020 at Police Station Kanina, District Mohindergarh under Sections 148, 149, 323, 324, 452, 506, 326 and 307 of Indian Penal Code. The first one was disposed off by this Court vide order dated 12.3.2021 by passing the following order:

“Today, at the very outset, the learned counsel for the petitioner submits that he may be permitted to withdraw the present petition with liberty to surrender before the trial Court and to apply for grant of regular bail.

In view of the aforesaid request, the present petition is dismissed as withdrawn with liberty aforesaid.

However, in case the petitioner surrenders before the trial Court within a period of ten days from today and applies for grant of regular bail, the learned trial Court shall endeavour to dispose of

the same expeditiously preferably within a period of one week from filing of such application.”

2. Since the aforesaid first petition was not disposed off on merits, the instant petition is being entertained.
3. The FIR was lodged at the instance of Dharmbir, wherein it is alleged that on 11.2.2020 when he alongwith his brother Rajender Singh was sitting in his house, his elder brother Krishan Kumar also came there. It is alleged that shortly thereafter Pritam @ Pallad, Sonu, Sittu, Krishan, Naveen, Gaurav, Anuj, Satey, Sandeep, Ashish and Chutka also entered their house. It is alleged that Naveen, Krishan son of Dharambir, Sonu, Sittu and Pritam grappled with complainant's brother Krishan Kumar. It is alleged that Pritam, who was carrying an axe, gave a blow with the same on the head of complainant's brother Krishan Kumar and thereafter ran away from the spot.
4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even if the contents of the FIR are taken to be correct, still it is the co-accused Pritam, who was carrying an axe, who has been attributed the blow on the head of complainant's brother Kirshan Kumar attracting the rigors of offence under Sections 326 and 307 IPC. Learned counsel submits that a perusal of the FIR would show that there is nothing in the FIR to show that the petitioner was armed with any weapon or had caused any specific injury and that in these circumstances, the petitioner deserves the concession of anticipatory bail.
5. I have considered the aforesaid submissions.
6. It is no doubt correct that the FIR discloses that it is the co-accused Prittam @ Pallad, who had given a blow on the head of complainant's brother with

the help of an axe and there is no specific attribution to the petitioner. However, the very fact that the petitioner had accompanied the main accused and other accused and had grappled with the complainant's brother Krishan Kumar, would show that he shared a common intention with Pritam @ Pallad and other accused for launching a murderous attack. In these circumstances, this Court does not find any special case for grant of anticipatory bail. The petition is sans merit and is hereby dismissed.

10.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No