

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

**CRM-M-39869 of 2021 (O&M)
Date of decision 28.10.2021**

Dalbir Nagar

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.
Mr. Ajay Kumar Dahiya, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

CRM-36029 of 2021

Prayer in the present application is for adding Section 354A IPC in the head note as well as in the prayer clause.

Ms. Dimple Jain, AAG, Haryana appearing on advance notice has no objection to the acceptance of the prayer of the applicant.

For the reasons mentioned in the application, the same is allowed. Section 354-A IPC is ordered to be added in the head note as well as in the prayer clause of the main petition.

Main petition

The present petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 242 dated 26.8.2021, under Sections 147, 148, 149, 323, 354A, 506 IPC (Section 148 IPC deleted and Section 325 IPC added later on), registered at Police Station Kheripul, District Faridabad.

The brief facts are that on 26.8.2021, the police received a telephonic message from B. K. Hospital that complainant-Kalpana was admitted in the hospital after receiving injuries in a quarrel. On reaching the hospital, the police party was informed that the complainant was referred to Safdarjung Hospital. The allegations are that on 25.8.2021, the complainant had gone to meet her parents residing in a Society in Sector 86, Faridabad. She was waiting for a lift in the lobby. The petitioner with a bad intention

pushed her. On her objection, the petitioner again pushed her. She boarded the lift and reached the ground floor. In the parking, she met her brother, who was parking the motor-cycle. The petitioner again created a scene over parking of the motor-cycle. Thereafter the petitioner along with six or seven other persons inflicted injuries to her as well as her brother and threatened the brother of the complainant of dire consequences. During investigation, earlier Section 354A IPC was deleted, later added.

Learned counsel for the petitioner submits that it was merely a dispute with regard to parking. The petitioner has also suffered injuries. The allegation against the petitioner is that he pushed the complainant. He further submits that apart from Section 506 IPC, all other offences are bailable and no offence is made out under Section 506 IPC.

Learned counsel for the State vehemently opposes the prayer for grant of anticipatory bail. She submits that the complainant has suffered fracture of the nose bone. The petitioner was specifically named in the FIR as also in the statement of the complainant under Section 164 Cr.P.C. The contention is that apart from giving push to the complainant, the allegations are that the petitioner along with other accomplices inflicted injuries to the complainant and her brother. She further submits that it is a case where a lady was not safe even in a residential society.

Though the complainant has not been impleaded as party, Mr. Ajay Kumar Dahiya, Advocate puts in appearance on behalf of the complainant and opposes the prayer for grant of pre-arrest bail. He submits that it was not a parking dispute. The issue of parking of motor cycle came later. The petitioner keeping a bad eye on the complainant physically touched her and on her objection, pushed her.

The fact that the petitioner also suffered injuries in itself is not a ground for grant of anticipatory bail. The allegations against the petitioner are serious. In the lobby while waiting for the lift, the act and conduct of the petitioner was such that Section 354A IPC had to be invoked. The complainant suffered fracture of the nose bone. The matter never ended in the lobby, where the complainant was waiting for the lift. When she came down, the petitioner followed her and there was a quarrel between the brother of the complainant and the petitioner, where the petitioner was

joined by six or seven accomplices and they inflicted injuries to the complainant as well as her brother. So far as contention that no offence under Section 506 IPC is made out, suffice to say that FIR is not expected to be encyclopedia of facts. The matter has to be investigated. Petitioner alone was not involved in the incident, he was accompanied by six or seven accomplices. To determine the role of each of them, custodial interrogation of the petitioner is required.

No ground is made out for grant of anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

28th October, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |