

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

CRM-M-40847-2021 (O&M)

Date of Decision:- 7.10.2021

Jatin Kumar

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bhavdeep Singh Mamli, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Krishan Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 303, dated 30.6.2021, Police Station City, Sirsa, under Sections 323, 506, 34 IPC (Sections 324 and 326 IPC subsequently added).
2. The FIR was lodged at the instance of Raman Sharma wherein it is alleged that on 25.6.2021 at about 10.30 pm Anuj Babbar called him from his house on some excuse and when he went out, he saw that Ajit Bhatia, Jatin Kumar (petitioner) and Sheru were already standing there behind Surya Hospital and who were carrying sharp edged

weapons. It is alleged that the accused started giving beatings to him and attacked him with sharp edged weapons and inflicted injuries on his head, shoulder, abdomen and on his face. When the complainant raised alarm, several persons from neighborhood were attracted and upon seeing them the accused ran away from the spot while issuing threats.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and in fact even as per the case of prosecution, a co-accused namely Ajit Singh in his disclosure statement has categorically stated that petitioner-Jatin Kumar had merely given a lift to the other accused on his motorcycle and he remained there at the spot while the others committed the crime. It has been submitted that in these circumstances it is clearly apparent that the petitioner has not been attributed any injury.
4. Opposing the petition, learned State counsel has submitted that it is a case where all the four other accused shared a common intention to cause injuries to the petitioner and in fact the manner in which a grievous injury with a sharp edged weapon has been caused on the head of the complainant, it is rather evident that they have made a murderous assault on the complainant.
5. I have considered rival submissions addressed before this Court.
6. The petitioner is specifically named in the FIR and he along with co-accused is alleged to have caused injuries with the help of sharp edged weapons to the complainant. As per MLR, five injuries were found on the person of the complainant caused with sharp edged

weapon. One of the injury on the head had been declared to be a 'grievous injury'. In these circumstances, it can safely be said that all the accused shared a common intention so as to cause 'grievous injuries'. The contention of learned counsel for the petitioner that a co-accused has made some statement wherein no injury is attributed to him will not be of much help to him as it could even be a case where one co-accused is trying to help the other co-accused. In any case, since all the accused were together when the injuries were caused the *mens rea* to cause injuries can safely be attributed to them. As such, no special case for grant of anticipatory bail is made out.

7. The petition is sans any merit and the same is hereby dismissed.

7.10.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No