

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

209

**CRM-M-47759-2021
Date of Decision: 29.11.2021**

Sunil Kumar & another

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Virender Soni, Advocate, for the petitioners.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Ashok Kumar.

Mr. Ashit Malik, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.95 dated 22.05.2021 at Police Station Dhand, District Kaithal, under Sections 148/149/323/324/506 IPC (Sections 325/307 IPC added later on).
2. The FIR was lodged at the instance of Rajesh Kumar, wherein it is alleged that Sunil (petitioner) had given a blow with a stick on the head of Isham Singh. Sonu Ram (petitioner) who was carrying a 'gandasi' is alleged to have inflicted a blow with the same on the head of Isham Singh.
3. Learned counsel for the petitioners has submitted that the instant case is a case of cross-versions, wherein both the petitioners also sustained injuries as would be evident from their MLRs annexed as Annexure P-2 in respect of Sunil and Annexure P-3 in respect of Sonu Ram.

4. Opposing the petition, Learned State counsel assisted by learned counsel for the complainant has submitted that since 3 out of 4 injuries found on the person of Isham Singh have been opined to be dangerous to life, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioners are not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR would show that the genesis of occurrence has been suppressed inasmuch as there is no reference to the injuries sustained by the petitioners. A perusal of the MLRs annexed as Annexure P-2 and P-3 would indicate that out of 4 injuries sustained by petitioner - Sunil Kumar, one of the injuries is on his head measuring 3.5 cm x 1 cm. The injury sustained by petitioner – Sonu Ram is in the shape of an incised wound measuring 3 x 2 cm on his head. In these circumstances, it would certainly be debatable as to which of the party is an aggressor. The petition, as such, merits acceptance and is hereby accepted. The petitioners, in the event of arrest, be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

29.11.2021

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned:
Whether reportable:**Yes/No**
Yes/No