

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CRM-M-48613 of 2021

Date of Decision: 22.11.2021

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Raghav Dayal, Advocate, for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana

Mr. Rakesh Gupta, Advocate, for the complainant.

AMOL RATTAN SINGH, J. (Oral)

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.244, dated 08.07.2021, having been registered at Police Station Naraingarh, District Ambala, alleging therein the commission of offences punishable under Sections 323, 325, 34 and 506 of the IPC, with Sections 326 and 307 thereof added subsequently in the FIR.

Learned counsel for the petitioner submits that the occurrence is a case of a version and a cross version thereto, with admittedly one person “on the side of the petitioner” having also come under the tractor, and further, he contends that the petitioner was not present at the spot.

He further submits that as regards the complainant in the FIR registered against the petitioner and his companion, i.e. the FIR in question,

he had to unfortunately suffer amputation on his leg well after the date of the occurrence, due to gangrene having set in after the wound got infected, such wound alleged to have been suffered in the occurrence, with the tractor having gone over the leg of the said person, i.e. Jaspal Singh.

Having considered the matter, the FIR and the 'cross FIR' registered at the instance of Jasmer Singh (a friend of the landlord of the petitioner, Ashok Kumar), both allege that a tractor ran over two persons, i.e. Jaspal Singh and Jasmer Singh, with admittedly eventually Jaspal Singh having lost his leg.

In the aforesaid circumstances, without making any comment on the merits of the case, in my opinion, this is not a case where the petitioner can be admitted to bail under the provisions of Section 438 of the Cr.P.C.

Consequently, this petition is dismissed.

It is to be noticed however that learned counsel for the complainant has contended that in fact even as per the revenue record, the complainant is shown to be in cultivating possession of the land in question.

22.11.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No