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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44216-2020 (O/M)
Date of decision : September 07, 2021

Pardeep

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Rajesh Kumar Moudgil, Advocate
for the petitioner.

Mr. Surinder Singh, AAG Haryana.

(Through Video Conferencing)

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 438 C.P.C. for grant of anticipatory bail in case FIR No.274 dated 6.11.2020 under Sections 323, 341, 427, 506, 148, 149 IPC (Sections 308, 325, 380 IPC added later on) at Police Station Krishna Gate, Thanesar, Kurukshetra.

FIR was lodged on the statement of one Sunil Kumar who stated that he is working as a Salesman in Suvidha Garments Store, situated at Sector 17 Market, Kurukshetra. On the intervening night of 4/5.11.2020 at about 7.00/8.00 pm, he made a phone call to his friend Anand Chowdhary from New Vatika Salarpur Road, Kurukshetra telling him that his motorcycle is not starting and that he would go home with him. The complainant reached New Vatika by pushing his motorcycle. He parked his motorcycle there and went inside the hotel. Thereafter, the complainant and his friend Anand Chowdhary went to Sachdeva Hotel in the car of Anand Chowdhary for taking meal. They stayed at Sachdeva Hotel for a

long time after taking meal. After leaving Sachdeva Hotel, when they reached near Sector 2, Kurukshetra, a Swift car overtook their car at a high speed. They thought that someone may be in hurry. When they reached near B.R. Chowk, 5-6 boys tried to stop their car. However, they escaped by taking a sharp cut and reached hotel safely. Anand Chowdhary (friend of complainant) went inside the guest house leaving behind the complainant in the car. Thereafter, same Swift car which had overtaken their car reached there. 5-6 boys came out of the car with Bindas in their hands. The complainant recognized two of them who were the same boys sitting in front of their table in Sachdeva Hotel when the complainant and his friend were taking meal. Due to fear, the complainant came out of the car and ran towards guest house. He tried to shut down the main shutter of the guest house but remained unsuccessful. The complainant ran upward to save his life. On hearing his noise, the friend of complainant came down. On seeing the friend of complainant, the assailants caught him and pulled him towards street. They inflicted injuries with bindas and bricks on the head and body of friend of complainant. The friend of complainant became unconscious on receiving injuries. The complainant thereafter made a call to Navin. The complainant and Navin took the injured to Aggarwal Hospital where the doctors refused to admit him. Thereafter, they took him to Anand Hospital. Apart from causing injuries to friend of complainant, the assailants also damaged his car. They also gave life threats to them. They also damaged the motorcycle of complainant. While going back, the assailants also took away the key of the car.

Learned counsel for petitioner contends that neither petitioner has been named in FIR nor any injury has been attributed to him. He further contends that though complainant was with injured at the time of alleged incident, however, no time has been mentioned. He further contends that Sections 308, 380 IPC have been added in FIR on the statement of injured Anand after a gap of 21 days of

alleged incident.

Status report by way of affidavit of Mr. Ravinder Tomar, HPS, DSP City Kurukshetra has been filed wherein it is stated that during investigation of case, the photographs of place of occurrence were obtained from CCTV footage. The CCTV footage clearly shows that a group of assailants attacked injured Anand which resulted in causing grievous injuries to him including fracture of his skull. It is further stated that during investigation, the complainant identified co-accused Vijay and he has been arrested. In his disclosure statement, co-accused Vijay disclosed that Pardeep (petitioner) was also involved in the alleged occurrence. He further disclosed that co-accused Prem and the petitioner inflicted multiple brick blows on injured Anand and complainant. It is further stated in reply that the doctor has given his opinion that the 'Injuries are grievous in nature'. In the Medico Legal Certificate of Anand Orthopaedic Centre coupled with CT Scan of brain (Annexure R-3), following injuries were found on the person of injured :-

“1) Laceration of size about 1x2x4 cm with irregular margins and active bleed present on left high parietal region.

2) Laceration of size 1x2x7 cm L Shaped with irregular margins and active bleed present on right high parietal region.”

In the CT Scan of brain, relevant extract of observations and impressions are as follow :-

“Observations:

xxx xxx xxx

Depressed fracture noted in bilateral high parietal bone.

Impression : *CT findings are suggestive of*

1. Acute extra dural hemorrhage of maximum thickness 9 mm seen along right frontal region.

2. Scorpaenoid hemorrhage seen along superficial sulky, basal cisternal and interhemispheric space.

3. Linear intraparenchymal hemorrhage is seen in midbrain in

midline with adjacent scorpaenoid hemorrhage.”

Considering the gravity of the offence as also the seat of grievous injuries suffered by the victim, it is not a fit case to extend the benefit of anticipatory bail to the petitioner.

Petition dismissed.

September 07, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No