

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

204+101

**CRM-M-54857-2019 (O&M)
Date of Decision: 15.09.2021**

Amit Kumar @ Amit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. G.S. Kaura, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
assisted by ASI Arvind.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-29852-2021

In view of the reasons mentioned in the application, the same is allowed and documents are taken on record as Annexures P-4 and P-5, subject to all just exceptions.

CRM-M-54857-2019

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.258 dated 07.11.2019 at Police Station Sector-14, District Panchkula, under Sections 148/149/307/323/452/506 IPC and Section 25 of Arms Act.
2. The FIR was lodged at the instance of Amit Sharma, wherein it is alleged that on 07.11.2019 when he along with his brother Deepak Kumar was sitting in his office at about 6:45 PM, then Amit (petitioner), Love and Ram entered into his office and started hurling

abuses on account of some old dispute and asked the complainant about the whereabouts of complainant's brother Deepak and that they would teach both of them a lesson today. Some of the members of the staff of the complainant who were present there namely Sanjiv Rampal, Ravish Kumar, Sandeep Kaushik reasoned out with the said persons and sent them back. Later, when the complainant went downstairs while being concerned about his younger brother, Amit, Love and Ram accompanied by 3-4 unknown persons started beating his brother and attacked the complainant as well. It is alleged that the accused were shouting that the complainant and his brother be given beatings till they breathe their last. The complainant further alleged that they inflicted injuries on their faces and heads and that there is deep injury on the back of the complainant's head and deep wound on his arm and on his face as well. The complainant has further alleged that his brother was attacked repeatedly with the help of some weapon below his eyes, on his forehead and on his face. Thereafter, Amit (petitioner) is alleged to have attacked the complainant on his head with the help of *butt* of a pistol or revolver and that they were also carrying weapons like knife, hammer, screw driver and other sharp edged weapons. However, when several persons gathered there, the said persons ran away from the spot.

3. Learned counsel for the petitioner has submitted that although he is named in the FIR, but no such injury is attributed to him, which could be said to attract rigors of offence under Section 307 IPC and in fact all the injuries except one injury are simple in nature. Learned counsel has further submitted that although as per the opinion of the doctor, injury No.5 is stated to have been declared as dangerous to

- life, as the said injury is in the nature of incised wound, but the same cannot be attributed to the petitioner, who even as per FIR had caused an injury with *butt* of a pistol or a revolver.
4. Opposing the petition, learned State counsel has submitted that the petitioner is specifically named in the FIR and is also attributed a specific injury including an injury on the head of the complainant with the help of *butt* of a pistol or revolver. Learned State counsel submits that the *butt* of a revolver or a pistol can cause incised wound since the *butt* of a pistol or revolver cannot be said to be absolutely round, but does have some kind of edges though not very sharp. It has been submitted that the allegations, as levelled in the FIR, stands clearly substantiated inasmuch as complainant sustained 7 injuries while his brother Deepak sustained 8 injuries and which cannot be said to be inflicted by just 2 or 3 persons.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations and the number of injuries inflicted in all, which have been found on the person of the complainant as well as his brother and while also noticing that a specific role as has been attributed to the petitioner, no special case for grant of anticipatory bail is made out. The petition is *sans merit* and is hereby dismissed.

15.09.2021

VY

(GURVINDER SINGH GILL)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No