

104

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

CRM-M-528-2022

Date of decision : 10.01.2022

Mahavir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashish Sanghi, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

Mr. Vikram Singh, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.692 dated 12.11.2021 registered under Sections 148/149/323/379-B/452/506 of the Indian Penal Code, 1860 (Sections 325 and 326 of IPC have been added later on) at Police Station City Palwal, District Palwal, Haryana.

Learned counsel for the petitioner has submitted that in the present case, as per the FIR, no specific injury has been attributed to the petitioner and the petitioner himself had received three grievous injuries. It is further submitted that as per the report (Annexure P-3), large number of

injuries, which were not there in the initial MLR, have been found to be recorded in the subsequent MLR, which had been recorded after a period of one month and thus, the said injuries could not be taken into consideration for considering the bail application of the petitioner. It is further argued that it is the complainant party which had first abused the son of the petitioner in gym, on account of which, subsequently, the present incident took place.

Notice of motion.

On advance notice, Mr. Manish Dadwal, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. Mr. Vikram Singh, Advocate has put in appearance on behalf of the complainant. They have submitted that in the present case, there are total 11 injured persons on the side of the complainant. It is submitted that the present petitioner alongwith his son and several other persons had come with *farsa*, axe, iron rod and arm sticks to the house of uncle of the complainant and had inflicted four grievous injuries to Harkesh, one grievous injury to Chandravati, one grievous injury to Rakshak and Gautam. It is further submitted that several other injuries were caused to Madan, Vishwas, Geeta and the said persons had also taken money and gold ornaments from the complainant party. It is contended that there is a specific attribution against the present petitioner, who, as per the complainant version, is the main accused and the said specific attribution is apparent from the statement of injured Harkesh. A copy of the said statement has been given to the Court and the same is taken on record as Mark "A". A perusal of the said statement would show that there is a specific attribution against the present petitioner to the effect that

the petitioner had caused two injuries with *farsa* on the head of Harkesh as well as on the finger which stood amputated on account of the said injuries. It is further contended that both the said injuries are grievous in nature. Further reference has been made to the details of the injuries given by the Guru Nanak Hospital with respect to Harkesh and Gautam, same are reproduced hereinbelow:-

“Pt. Name-Harkesh UHID-84614 Date of Admission – 12/11/2021

Pt sustained multiple injuries as under:-

<i>S. No.</i>	<i>Injury</i>	<i>Nature of Injury</i>	<i>Kind of Weapon</i>
<i>1</i>	<i>Head Injury</i>	<i>Grievous</i>	<i>Sharp</i>
<i>2</i>	<i>Left elbow humerus fracture</i>	<i>Grievous</i>	<i>Blunt</i>
<i>3</i>	<i>Right little finger near total amputation</i>	<i>Grievous</i>	<i>Sharp</i>
<i>4</i>	<i>Right middle finger middle phalanx comminuted fracture</i>	<i>Grievous</i>	<i>Blunt</i>

Pt. Name-Gautam UHID-84621 Date of Admission – 12/11/2021

Pt sustained multiple injuries as under:-

<i>S. No.</i>	<i>Injury</i>	<i>Nature of Injury</i>	<i>Kind of Weapon</i>
<i>1</i>	<i>Head Injury-Acute SAH</i>	<i>Grievous</i>	<i>Sharp</i>
<i>2</i>	<i>Soft tissue injury Right shoulder</i>	<i>Simple</i>	<i>Blunt</i>

Regards,

Sd/- Dr. Inderjit Singh

Consultant Orthopedic Surgeon”

It is submitted that the perusal of the FIR itself would show that initially injured persons were taken to the Government Hospital and after being provided with first aid, they had to be referred for treatment to another

Hospital. It is argued that since the condition of the injured was serious, therefore, they were referred to the said Hospital on 12.11.2021 itself. It is also argued that even perusal of Annexure P-3, which has been referred to by the learned counsel for the petitioner, would show that although, the same injuries were not mentioned initially in the first MLR but the said injuries were mentioned in the Discharge Summary of Guru Nanak Hospital, Palwal. It is further contended that as per the Discharge Summary of Guru Nanak Hospital, even on the date of admission i.e. on 12.11.2021, the said injuries have been duly recorded and it is only thereafter that detailed CT Scan report was obtained and the Medical Board of the Civil Hospital, Palwal gave the details of the said injuries and had submitted that it is apparent that all the said injuries were caused at the time of the accident. It is further argued that the petitioner is involved in another case i.e. FIR No.744 dated 05.12.2021 registered under Sections 302, 506, 120-B and 34 of IPC, at Police Station City Palwal and thus, has criminal antecedents.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument has submitted that in the said FIR No.744 dated 05.12.2021, the petitioner has been declared innocent. For the same, learned counsel for the petitioner has relied upon a Newspaper cutting.

This Court has heard the learned counsel for the parties and has perused the paper book.

As per the allegations levelled in the FIR, it is the petitioner who alongwith his son and a large number of other persons had come to the house of uncle of the complainant and all of them had inflicted several injuries upon 11 persons from the side of the complainant. It was found that

four grievous injuries had been suffered by Harkesh, one grievous injury had been suffered by Chandravati, one grievous injury had been suffered by Rakshak and even one Gautam had suffered one grievous injury. As per the statement of injured Harkesh, there is a specific attribution against the petitioner of having given two blows with farsa which hit on his head and his finger and on account of which, his finger has been amputated and thus, both the injuries have been declared to be grievous in nature. The fact that the injured persons of the complainant party were referred to another Hospital is mentioned in the FIR dated 12.11.2021 itself. Even in the report dated 21.12.2021, sought to be relied upon by learned counsel for the petitioner, it has been mentioned that the injuries, moreso, the injuries inflicted upon Harkesh were shown in the Discharge Summary of Guru Nanak Hospital, Palwal. The record of the said Guru Nanak Hospital shows that on 12.11.2021, four injuries on the person of Harkesh had been declared to be grievous including the head injury and the injury on the little finger, which amounted to near total amputation. It has also been stated that the Medical Board of the Civil Hospital, Palwal was also constituted which had reiterated the said injuries to have been suffered by the complainant party. The petitioner is stated to be involved in one case under Section 302 of IPC, although, learned counsel for the petitioner has submitted that the petitioner has been declared innocent but there is nothing on record to substantiate the said argument.

Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail and same is, accordingly, dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

10.01.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No