

204-2

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

(1)

CRM-M No.3247 of 2022 (O&M)
Date of Decision: 25.02.2022

Om Parkash and another

.....Petitioners.

Versus

State of Haryana

.....Respondent.

(2)

CRM-M No.4873 of 2022

Mukesh

.....Petitioner.

Versus

State of Haryana

.....Respondent.

(3)

CRM-M No.3661 of 2022

Vazir

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present: Mr. R.A. Sheoran, Advocate
 for the petitioners in CRM-M Nos.3247 and 3661 of 2022.

Mr. Ravinder Phogat, Advocate
for the petitioner in CRM-M No.4873 of 2022.

Mr. Amit Aggarwal, DAG, Haryana
for the respondent-State.

Mr. B.K. Bagri, Advocate
for the complainant.

MEENAKSHI I. MEHTA, J. (Oral)

CRM No.7096 of 2022

This application has been moved on behalf of the complainant for seeking permission to place on record Annexures C-1 to C-3 in **CRM-M No.3247 of 2022.**

Notice in the application.

Learned counsel for the non-applicants-petitioners as well as learned State counsel accept the notice and they submit that they have no objection in allowing this application.

Keeping in view the above-said fact as well as the reason as mentioned in this application, the same is allowed and the documents Annexures C-1 to C-3 are taken on the record in the afore-said main petition, subject to all just exceptions.

CRM-M Nos.3247, 4873 and 3661 of 2022

Apprehending their arrest in the criminal case arising out of the FIR bearing No.217 dated 11.12.2021 registered at Police Station Jhojhu Kalan, District Charkhi Dadri, under Sections 147, 149, 323, 324 and 506 IPC (wherein the offence under Section 307 IPC is stated to have been added later-on), the petitioners, namely, Om Parkash & Saveen,

Mukesh and Vazir, have preferred the afore-mentioned petitions to seek the relief of anticipatory bail which are being taken up together for discussion and adjudication as these have arisen out of the same FIR.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the petitioners, along-with their co-accused, caused injuries to Raghbir and Navdeep with weapons like axe, iron rods etc.

Status-reports filed in **CRM-M No.3247 of 2022** and **CRM-M No.4873 of 2022** and Reply filed on behalf of the complainant in **CRM-M No.3247 of 2022** are already available on the respective files and the same are taken on the record.

Learned State counsel opts for adopting the status-report, filed in **CRM-M No.4873 of 2022**, as such for the purposes of the petition bearing **CRM-M No.3661 of 2022** also.

I have heard learned counsel for the petitioners as well as learned State counsel (assisted by learned counsel for the complainant) in all the three petitions and have also perused the files thoroughly.

It is pertinent to mention here that learned counsel for the petitioners in **CRM-M No.3247 of 2022** as well as learned State counsel have apprised the Court that petitioner No.1 Om Parkash has already been arrested in the present case. Accordingly, the afore-said main petition stands partly disposed of as having been rendered infructuous so far as it pertains to the relief sought by the above named petitioner.

Learned counsel for the petitioners submit that no specific role or the injury on the persons of both the afore-said injured, has been

attributed to the petitioners namely Saveen, Mukesh and Vazir and rather, the injury attracting the offence under Section 307 IPC is attributed to petitioner Om Parkash, who has, now, been arrested by the police and moreover, the iron rod and the '*Danda*' (thick stick) as allegedly used by petitioners Mukesh and Vazir respectively in the occurrence in question, have already been discovered in pursuance of their separate disclosure statements whereas petitioner Saveen was not alleged to be carrying any weapon at that time and they contend that it being so, it is explicit that the custodial interrogation of the said three petitioners is not required in connection with the investigation of this case and in these circumstances, they deserve the relief as prayed for in these petitions.

Learned State counsel does not dispute the afore-referred factual position. However, he refers to Annexures C-1 to C-3, i.e the photographs showing the injury suffered by injured Raghbir and argues that the same reflect the gravity of the offence committed in the instant case but however, the fact remains that as mentioned earlier, the said injury invoking the offence under Section 307 IPC in this case, is specifically attributed to petitioner Om Parkash, who has already been arrested in connection with the present case and concededly, the remaining injuries on the persons of both the said injured have been opined to be simple in nature.

Keeping in view the above-discussed facts and circumstances, the petitions bearing **CRM-M No.4873 of 2022** and **CRM-M No.3661 of 2022** are allowed and the petition bearing **CRM-M No.3247 of 2022** is partly allowed so far as it relates to the prayer of petitioner No.2 Saveen, to

the effect that in the event of their arrest, petitioners namely Saveen, Mukesh and Vazir shall be released on bail subject to their furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, they shall strictly abide by all the terms and conditions as envisaged under Section 438(2) Cr.PC.

February 25, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*