

S.No.102

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

CRM-M-11370 of 2022

Date of Decision:17.03.2022

Kamran

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

Mr. Sarfraj Hussain, Advocate for the complainant.

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.101 dated 30.05.2021 registered under Sections 148, 149, 323, 452, 379B, 506 IPC and Section 25 (Act No.54) of Arms Act, 1959 (offence under Section 379B IPC and Section 25 of Arms Act has been deleted and offence under Sections 307 and 325 IPC has been added) at Police Station Nagina, District Nuh.

Learned counsel for the petitioner has stated that in the present case, the petitioner has already been attributed one injury i.e. a rod blow on the ankle of Sahib and as per his understanding, the said injury is simple in nature.

Learned counsel for the State as well as the complainant have submitted that in the present case, the petitioner and the co-accused have caused injuries to as many as five persons. It is submitted that Sahib has suffered four fractures, three in his legs and one in his hand. It is submitted

that the present petitioner has also given a rod blow on the left ankle of the said Sahib and rod is a dangerous weapon. It is further submitted that an injury has been caused to Sabir also, who was initially in a coma on account of the said injury. Mohammad has been given two injuries, Samaydeen has been given one injury and Ahmed has been given three injuries. It is submitted that the rod is yet to be recovered from the petitioner and thus, his custodial interrogation is necessary. It is also submitted that the petitioner is involved in two other cases, i.e. FIR No.75 dated 22.04.2016 registered under Sections 148, 149, 323, 452, 506 IPC and FIR No.86 dated 17.04.2020 registered under Sections 148, 149, 323, 269, 188, 506 IPC at Police Station Nagina, District Nuh. It is stated that this Court was pleased to grant anticipatory bail to Mohammad Mustufa, co-accused who has not been attributed with any injury and only allegation against whom was under Section 379-B IPC which was deleted subsequently.

This Court has considered the arguments raised by learned counsel for the parties and perused paperbook.

In the present case, the petitioner has been attributed a specific injury with an iron rod on the ankle of Sahib and the said iron rod is yet to be recovered from the petitioner. Five persons from the respondent party have suffered several injuries. Sahib has suffered four fractures, three in the leg and one in his hand. Sahib has been caused an injury on the basis of which he had gone into a coma and has suffered an injury which was dangerous to life. Mohammad, Ahmed and Samaydeen have suffered two, three and one injury respectively. The petitioner is stated to be involved in two other FIRs. Anticipatory bail was granted to Mohammad Mustufa by

this Court on the ground that the said petitioner therein had not been attributed with any injury and the allegation against him with respect to snatching of Rs.2,500/- was found to be false and offence under Section 379-B IPC had been subsequently deleted.

Keeping in view the above-said facts and circumstances, the present petition is dismissed.

Nothing stated above shall be construed as a final 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 petition.

March 17, 2022
renu

(VIKAS BAHL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No