

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(102)

CRM-M-13179-2022 (O&M)
Date of decision: - 06.04.2022

Dev Rattan Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rakesh Kumar Sharma, Advocate,
for the applicant-petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

CRM-12600-2022

Present application has been filed under Section 482 Cr.P.C.
for placing on record the statements as Annexures P-5 to P-7.

Application is allowed, as prayed for. The statements
(Annexures P-5 to P-7) are taken on record, subject to all just exceptions.

CRM-M-13179-2022

This is the first petition under Section 438 of Cr.P.C. for
grant of anticipatory bail to the petitioner in case FIR No.354 dated
26.08.2021, registered under Sections 148, 149, 302, 307, 323, 452 and
506 IPC (Sections 325 & 120-B IPC added later on), at Police Station

Sadar Nuh, District Nuh.

Learned counsel for the petitioner has submitted that in the present case, as per the FIR, the petitioner has not been attributed with any injury caused to the deceased. It is further submitted that the petitioner along with 19 other persons had come and had inflicted injuries upon five persons. It is also stated that as per the statement of the witnesses recorded, only one specific injury has been attributed to the petitioner inflicted upon Raj Kumar, which is stated to be an iron rod hit on the left elbow. It is further submitted that as per the MLR (Annexure P-3), no injury has been attributed to the present petitioner. It is also submitted that the petitioner is not present in the video clip showing the incident. It is further submitted that the first incident had taken place at 6.00 PM, in which, the petitioner was not present and in the second incident which had taken place at 07.00 PM, wherein, as per the allegations in the FIR, the petitioner was present. It is also stated that some of the co-accused of the petitioner have already been granted the concession of regular bail.

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

A perusal of the FIR in the present case would show that the petitioner has been specifically named in the same. It has been alleged that the petitioner along with 19 other persons have inflicted injuries upon 5 persons. It is further the case of the prosecution that eight persons have caused injuries to Vipin, who died on account of the said injuries. A perusal of the statement of Raj Kumar would show that specific injury has

been attributed to the petitioner on the left elbow with an iron rod. A perusal of the MLR (Annexure P-3 would show that injury No.3 is pain on B/L Arm (bilateral i.e. both sides) and the injured has been advised Ortho opinion, thus, it cannot be said that the injury which has been attributed to the petitioner is not reflected in the MLR. Moreover, the iron rod is yet to be recovered from the petitioner. Even the statement of other three injured witnesses i.e. Arjun, Satish and Mahesh, would show that the name of the petitioner specifically figures in the same. Further, the facts of the present case would show that the petitioner along with other persons, *prima facie*, committed a heinous crime, inasmuch as, they had attacked the complainant party, as a result of which, one person died and five other persons were left injured.

Keeping in view the above-said facts and circumstances, no ground is made out for the grant of anticipatory bail to the petitioner, thus, the present petition is dismissed.

April 06, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes