

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

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CRM-M-14089-2022

Date of Decision : **April 04, 2022**

SUNIL KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. K.S.Dhaliwal, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.205 dated 22.5.2021 under Sections 148, 149, 323, 427, 452 and 506 of IPC (Sections 307 and 325 IPC added subsequently), registered at Police Station Jind Sadar, District Jind.

As per the allegations contained in the FIR which was lodged on the basis of statement of one Azad son of Krishan that he is working in ATC Company as a technician at Welcome Hotel, Jind and he is in a partnership with one Pradeep and he also works as tower technician with the petitioner. On 21.5.2021, he had an altercation with the petitioner regarding the tower site being down and on 22.5.2021 at about 12.10 a.m., the petitioner alongwith 4-5 of his associates had come to Hotel Welcome, Narwana road, Jind and all of them had rods and sticks in their hands. The petitioner and all other 5-6 persons came inside the hotel and thrashed him and the petitioner with the rod in his hand

struck him on his head and another person with the rod hit his foot and all other persons also gave injuries to him.

The learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated because he has only been named in the FIR but the injury attributable to the petitioner is simple in nature and, therefore, he may be considered for the grant of anticipatory bail.

On the other hand, Mr. Naveen Singh Panwar, DAG, Haryana has stated that he has received an advance copy of the present petition and he has also sought instructions. He submitted that the petitioner was infact the main accused and as per the FIR itself, it was the petitioner who alongwith his 4-5 associates had come to the hotel Welcome, Narwana Road, Jind and all of them had given beatings and thrashed the injured. He submitted that the petitioner had caused injuries by way of a rod on the head of the injured, namely, Azad and as per the medical report, there are six injuries on the head. He further submitted that blood stained earth was lifted from the spot and the police had taken possession of the same. The cloth of the injured-Chetan was also taken into possession, who had also suffered serious injuries. A fracture suffered by him was opined as dangerous to life and, therefore, Section 307 IPC was added.

I have heard the learned counsel for the parties.

In the present case, the allegations against the petitioner are specific. Not only in the FIR but as per the learned State counsel he had caused injuries on the head of injured-Azad and other persons were also

injured and one of the injured, namely, Chetan had suffered a fracture and serious injuries which were declared to be dangerous to life. Apparently, it appears that a group of 6-7 persons had allegedly attacked the complainant and as a result of the same, he sustained injuries and the present FIR was lodged. The gravity of the offence and the nature of the injuries suffered by the injured would disentitle the petitioner for the grant of anticipatory bail.

In view of the above, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 04, 2022

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**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No