

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

**CRM-M-17307 of 2022
Date of Decision:- 07.05.2022**

Lal Chand

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Rohit Joshi, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Kanwal Goyal, Advocate
for the complainant.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for anticipatory bail to the petitioner in case having FIR No.724 dated 19.12.2021 registered under Sections 147, 148, 323, 506, 325, 307 IPC at Police Station Mujessar, District Faridabad.

The counsel for the petitioner submitted that no such incident as alleged by the complainant in the present FIR, has ever taken place. He further submitted that actually the opposite party

caused injuries to Mukesh Bhardwaj son of petitioner regarding which FIR No.744 dated 25.12.2021 was registered in the police station against the opposite party. He further submitted that wife of petitioner namely Bimla Devi who is also co accused in the present case has already been granted interim anticipatory bail by the coordinate Bench of this Court vide order dated 19.04.2022, Annexure P-4. The counsel for the petitioner further submitted that no specific injury has been attributed to the petitioner, who is ready to join the investigation.

The present petition is opposed by the State counsel as well as the counsel for the complainant, who submitted that there are allegations that the present petitioner and his son Mukesh Bhardwaj both armed with iron rods gave injuries on the head of Mukesh Goyal, cousin of complainant Rahul Bansal. The State counsel submitted that on account of said injuries, multiple bleeding was found in the brain of injured and the concerned doctor declared the said injury as dangerous to life, vide his opinion dated 22.01.2022. The State counsel further contended that the alleged weapons used by the petitioner and his son for causing injuries to the opposite party are yet to be recovered and their custodial interrogation is required for the proper investigation of this case.

I have considered the rival contentions of both the parties.

The FIR in the present case was registered on the basis of statement of Rahul Bansal in which he alleged that on 18.12.2021 construction work was going in his shop and construction material

was stored in the street, to which petitioner Lal Chand objected and asked the complainant to remove the construction material from the street, as it was difficult for him to park his car. Then, petitioner called his sons who started manhandling the complainant and his brother Yogesh Bansal and all of them gave danda blows on their heads. Thereafter, on 19.12.2021 in the morning petitioner, his son Mukesh, wife Bimla Devi, Hem Raj, Jai (Himanshu) and 3/4 unidentified boys, all armed with iron rods, handle of hand-pump and bricks, attacked them, as a result of which, complainant, Yogesh Bansal, Mukesh Goyal, Tejpal Goyal and Shiv Kumar sustained injuries.

There is also another FIR No.744 dated 25.12.2021, registered under Sections 325, 323/34 IPC, as per which the opposite party attacked Mukesh Bhardwaj and caused injuries to him with the help of bricks on his head and other parts of body.

Today, P/SI Sunil of Crime Branch, Faridabad, produced the police record, as per which Mukesh Goyal sustained head injury and multiple bleeding was found in his brain and as per the opinion of doctor dated 22.01.2022, the said injury was found dangerous to life.

So, serious allegations are appearing on record against the petitioner and his son, who is absconding as has been stated by the investigating officer. The grant of anticipatory bail to the petitioner at this stage would amount to stifling of the investigation, as the alleged weapons used in commission of crime, are yet to be recovered. This

Court is of the view that custodial interrogation of the petitioner is necessary for proper and effective investigation of the case.

Consequently, the present petition is dismissed being devoid of merits. However, any observations made herein-above are not to be construed as an expression of opinion on the merits of the case.

07.05.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No