

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 20805 of 2022

Date of Decision: 26.7.2022

Jai Pal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Ishnoor Singh, Advocate and
Mr. Divyam Singh, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under Section 438 Cr.P.C., the petitioner craves for indulgence of his becoming admitted to anticipatory bail, in respect of FIR bearing No. 284 of 23.12.2021, registered at Police Station Munak, District Karnal, constituting therein offences under Sections 148, 149, 323, 324, 452, 506 of the IPC, and, under Section 307 IPC (added later on).

2. The present petitioner was a member of an unlawful assembly, and, he along with other members of unlawful assembly, is alleged to commit the petition FIR offences. Co-accused Vikas, is alleged to strike the right chest of the victim with a scissor, whereas, co-accused Binder is alleged to strike the head of the victim with a lathi, and, the present petitioner is alleged to strike the back of the chest of the victim with a knife.

3. The doctor concerned, who made examinations of the victim, with respect to the injuries suffered by him, in consequence to the above made assault, on his person, has opined that injury No. 1, existing on the right chest,

has dimensions of 1.5x8 cm. sharp, whereas, injury No. 2 which became

inflicted by the present petitioner, is opined to be carrying a dimension of 2.1 cm. sharp, and, injury No. 3, delivered on the head of the victim, has been opined to be simple blunt. The examining doctor has opined that the injury, as attributed to Vikas, is dangerous to life, but yet on the principle of vicarious liability, the other co-accused, who were the members of unlawful assembly, and, had shared a common object, rather also become liable along with the accused, who delivered life endangering injuries, upon the victim.

4. Be that as it may, since the learned State counsel, on instructions given to him by ASI Surinder Singh, submits, that the present petitioner has ensured the causing of recovery of the incriminatory weapon of offence, to the investigating officer concerned, and, also submits, that the condition of the victim is completely stable. Therefore, this Court does not deem it fit, and, appropriate to order for the custodial interrogation of the petitioner, as it would unnecessarily fetter, and, curtail his personal liberty. Moreso, when no evidence is adduced before this Court by the prosecution, suggestive of the fact, that in the event of the petitioner, becoming admitted to anticipatory bail, there is every likelihood of his fleeing from justice, and, tampering with the prosecution evidence.

5. Consequently, the instant petition is allowed, and, the order made by this Court on 16.5.2022, is made absolute on the same terms and conditions.

6. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

July 26, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No