

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-25100-2022

Date of Decision:-02.06.2022

Shashi.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Abhivadya Sood, Advocate for the Petitioner.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of anticipatory bail under Section 438 Cr.PC in case FIR No.153 dated 18.02.2022 under Sections 323, 324, 307, 34 IPC registered at Police Station Krishna Gate Thanesar, District Kurukshetra.

The brief facts of the case are that the FIR came to be registered on the statement of Ramlal son of Jamna Das with the allegations that he had two daughters and son by the name of Balvir Singh. On 17.02.2022 at night he heard a noise and his grandson Lakhwinder was shouting “save us save us”. Then he saw Shashi son of Shiv Kumar i.e. the present petitioner with a fish cutting knife stabbing his grandson Lakhwinder causing injuries on his hand. When he came down to save Lakhwinder, Shashi with an intention to kill him struck him on the neck with the knife and he fell down immediately. Shashi thereafter inflicted another injury near his back/waist

and one Shiv Kumar, father of Shashi also joined and hit him with an iron rod on his head. Smt. Sukho Devi wife of Shiv Kumar and mother of Shashi also caused injuries to him with bricks and stones. Thereafter, Aman and Ajay sons of Somnath rushed to save him and his grandson and were also assaulted by the petitioner and his father.

The Counsel for the petitioner contends that the petitioner and his family has been falsely implicated in the present case with the collusion of the investigating agency and the complainant. In fact they had received injuries at the hands of the complainant party and a complaint in this regard was moved before PS Krishna Gate on the same day after getting the medico legal examination conducted at LNJP Hospital, Kurukshetra. Reference has been made to the MLRs of the petitioner, his father and mother (Annexures P-2 to P-4 respectively). He also contends that his cross version was not registered. The petitioner moved an application before the CM Window, DIG Haryana, Home Minister, Haryana and SP Office, Kurukshetra (Annexure P-5). He contends that the ingredients of Section 307 IPC are not made out and in fact it is a case of version and cross version where the place of occurrence is disputed. He contends that he deserves the concession of anticipatory bail as he has clean antecedents and is ready and willing to cooperate with the investigating agency.

I have heard learned Counsel for the petitioner.

Apparently, it is the consistent stand of the prosecution that the petitioner is the main accused who has been attributed injuries attracting Section 307 IPC. The complainant Ram Lal is of the age of 60 years and suffered injuries on the vital parts of the body and the seat of the injury as also the weapon used itself throws light upon the intention of the accused,

which is enough to invoke the provisions of Section 307 IPC. When the case of Shiv Kumar, father of the petitioner came up before this Court, the stand taken therein was that it is a case of version and cross version and the injury attracting Section 307 IPC was attributed to the petitioner.

Be that as it may, the injured complainant Ram Lal is of the age of 60 years and has suffered injuries on the vital parts of his body. The injuries suffered by the accused side are comparatively minor in relation to the injuries suffered by Ram Lal. Therefore, in the present case, the seriousness of the allegations do not entitle the petitioner to the grant of anticipatory bail and even otherwise, custodial interrogation of the petitioner is certainly required for the recovery of the weapon of offence and to take the case to its logical conclusion.

In view of the above, there is no merit in the instant petition seeking anticipatory bail, and, therefore, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

June 02, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>