

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214)

CRM-M-26007-2022

Date of decision: - 18.07.2022

Narender and another

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Mukesh Yadav, Advocate,
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.354 dated 26.08.2021, registered under Sections 148, 149, 302, 307, 323, 452 and 506 of the Indian Penal Code, 1860 (Sections 325 & 120-B IPC have been added later on), at Police Station Sadar Nuh, District Nuh.

Learned counsel for the petitioners has submitted that the petitioners have not been attributed any injury to the deceased. It is further submitted that as per the allegations in the FIR, the petitioners along with other 18 persons had arrived on the spot and inflicted injuries upon 5 persons. It is further submitted that as per the statements of the

witnesses, only two specific injuries have been attributed to the present petitioners and the same are upon injured Satish. It is submitted that petitioner No.1 has been attributed one injury on the left arm with an iron pipe, whereas, petitioner No.2 has been attributed an injury on the head of said Satish with a *lathi*. It is further submitted that the case of the petitioners is different from the case of co-accused Dev Rattan Singh, whose anticipatory bail has been dismissed by this Court, inasmuch as, the petitioners have a shop near at the place of occurrence, whereas, the said co-accused Dev Rattan Singh does not have a shop at the place of occurrence.

Learned State counsel, on the other hand, has opposed the present petition for anticipatory bail and has submitted that the petitioners along with other co-accused have committed a heinous crime on account of which, five persons suffered injuries and in the earlier incident, one Vipin had even died. It is also submitted that the case of the petitioners is on a similar footing if not worse, than that of co-accused Dev Rattan Singh, inasmuch as, the said Dev Rattan Singh had also been attributed with one injury to Raj Kumar and the present petitioners have been specifically attributed two injuries, one injury each to Satish. It is submitted that the first injury to Satish is on the head and the second injury is on the left arm and as per the medical opinion, Satish had suffered a fracture on the left arm. Thus, the injury attributed to petitioner No.1 has been declared to be grievous in nature.

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

A perusal of the FIR would show that although, in the first incident, in which eight persons have been alleged to have caused injuries to Vipin, who has died, the petitioners have not been named, but in the second incident which is on the same date, the petitioners have been specifically named in the same and they, along with 18 persons, have inflicted injuries upon five persons. Further, a perusal of the statement of injured Satish (P-5 page 17 of the paper-book) would show that the petitioners have been attributed specific injuries. Petitioner No.1 has been attributed an injury on the left hand of the injured with an iron pipe, which has been declared to be grievous in nature and petitioner No.2 has been attributed with one injury on the head, which is on a vital part of the body. The weapons i.e., iron pipe as well as the *lathi* used in the commission of offence are yet to be recovered from the petitioners. Even in the statements of the other three injured persons i.e., Raj Kumar, Arun and Mahesh, name of the petitioners have been specifically mentioned. Moreover, the anticipatory bail of co-accused of the petitioners, namely, Dev Rattan Singh, who was also not present at the time of the first incident and has been attributed only one injury in the second incident, has been dismissed by this Court, vide order dated 06.04.2022, passed in CRM-M-13179-2022. The fact that the petitioners had a shop at the place of occurrence, whereas, the said Dev Rattan Singh did not have a shop, does not in any manner further the case of the petitioners nor does it distinguish the case of the petitioners. The facts of the present case would show that the petitioners along with other persons have, *prima facie*, committed a heinous crime.

Keeping in view the above facts and circumstances, the present petition for the grant of anticipatory bail is dismissed.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

July 18, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No